

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority
indicating valid date of receipt:

Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

Note 1

*Insert name of
registration
authority.*

1. Registration Authority

To the

Surrey County Council, Whitebeam Lodge, Merrow Depot, Merrow Lane,
Guildford, Surrey, GU4 7BQ

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

2. Name and address of the applicant

Name:

Full postal address:

<div></div>	Postcode <div></div>
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Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

<div></div>	Post code
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Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

** Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**: ☐

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies: ☒

Section 15(3) applies: ☐

Section 15(4) applies: ☐

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable to it to be clearly identified.

** Only complete if the land is already registered as common land.*

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

"The Green"

Located in the middle of Dundas Gardens (KT8 1RX), See:

Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey- KT8-1RX

Location:

Dundas Gardens, West Molesey KT8 1RX

Please see **Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey- KT8-1RX** (The area ("The Green") is edged red)

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Residents of Dundas Gardens and Kelvinbrook Road.

Please see:

Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey- KT8-1RX

N.B the "Neighborhood" is edged in blue on the document.

The "Green" in question is highlighted in red



Tick here if map attached:

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

The land in question (Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey-KT8-1RX) has been consistently utilised by the inhabitants of the described locality since its development in the 1960s up to the present day and will continue to be in the future.

These lawful sports and pastimes are outlined in detail in Appendix 3, along with supporting evidence. It is believed that the land qualifies as a village green based on common law prescription and relevant legislation.

A significant number of both current and former residents have engaged in various sports and pastimes on the village green, as detailed in the attached Appendix 3. Examples include, Football, Cricket, dog walking and many other leisure activities.

The applicant and others firmly assert that they have used the land freely and without obstruction as a village green "As of Right" since the development of the houses of Dundas Gardens since the early 1960s. 60+years and counting.

Based on these factors, the applicants believe that all necessary criteria for inclusion in the Register of Village Green have been satisfied.

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

Last known owner of the land (New Owners unknown)

Land Collective Ltd
First Floor Winston House
349 Regents Park Road
London
N3 1DH

9. Voluntary registration – declarations of consent from ‘relevant leaseholder’, and of the proprietor of any ‘relevant charge’ over the land**10. Supporting documentation**

Please see attached supporting documents

- **Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey-KT8-1RX**
 - Includes 1 map showing the locality of the neighborhood and the area identified as "The Green".
- **Appendix 2 - Title documents (original 1)**
 - Includes 10 pages showing the original title plan of Dundas Gardens and the surrounding area associated the deeds.
- **Appendix3_Village Green Statements**
 - 48 pages of statements from local residents who use the green.

Please use a separate sheet if necessary.

- **Appendix 4 - App 2_Official Copy (Title Plan) - SY297535**
 - Official copy of the title deeds for Dundas Gardens and surrounding area. This is in conjunction with the documents in Appendix 5 Official Copy (Register) - SY297535 (002)
- **Appendix 5 - Official Copy (Register) - SY297535 (002)**
 - Part 2 of the documents shown in Appendix 4 App 2_Official Copy (Title Plan) - SY297535

- Other links for reference:

Petitions not in favour of the sale of the land:

https://www.change.org/p/save-our-lovely-green?source_location=search

News feed from Elmbridge Borough Council advising on the current situation of the land.

<https://www.elmbridge.gov.uk/news/2024/dundas-gardens-and-garrick-gardens-molesey#main-content>

11. Any other information relating to the application

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

Residents of Dundas Gardens became aware of the land being sold for auction on the Friday 19th January 2024.

Benard Marcus are the estate agents advertising the sale of the land which will be held for auction with a starting bid price of £40,000 on the 6th February 2024.

It was clear that every single resident and surrounding residents of Dundas Gardens had no clue as to the sale of this land. As far as everybody was concerned the land was owned by the original developers and the Title documents were still registered to them.

From further investigations since the houses were developed in the early 1960s, the land (Dundas Gardens and many surrounding green areas of paths, side verges etc under the same registration title (See appendix 2)), was originally owned by a holding company called "South Western Land Holdings Ltd" who subsequently went into liquidation in the 80s. The land since was passed to a liquidation company which has since sold the land on to (we think Land collections Ltd) This land is now being sold off in chunks at various different auctions. It should also be pointed out the company in question appears to have only registered as a company in December 2023.

Since writing this statement the land has now been sold to a private owner for the sum of £70,000 on the 6th February 2024. We are unclear who has purchased the land.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

19/02/2025

Signatures:



REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ *Insert full name (and address if not given in the application form).*

I Andrew Griffiths (9 Dundas Gardens, West Molesey, KT8 1RX (On Behalf of the residents of Dundas Gardens), solemnly and sincerely declare as follows:—

² *Delete and adapt as necessary.*

1. I am the person who has signed the foregoing application

³ *Insert name if Applicable*

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ ~~*Complete only in the case of voluntary registration (strike through if this is not relevant)*~~

~~4. ⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:~~

- ~~(i) a declaration of ownership of the land;~~
- ~~(ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have~~

Cont/

⁴ ~~Continued~~

been received and are ~~exhibited with this declaration; or~~
(iii) where no such consents are required, a declaration to that effect.

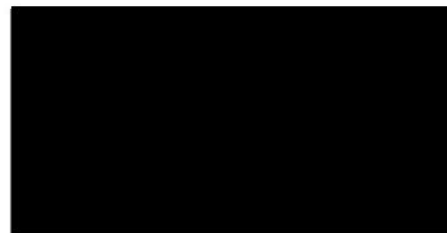
And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

Andrew Griffiths (On
Behalf of residents of
Dundas Gardens)

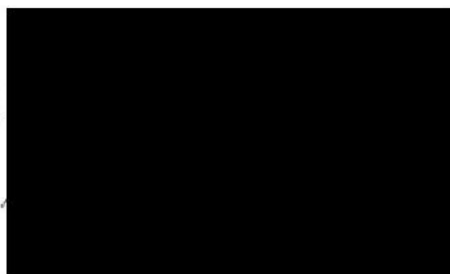
At 9 Dundas
Gardens, West
Molesey KT8 1X

This 19TH day of FEBRUARY
2025



Signature of Declarant

Before me *



JACK HASKEW
UK Solicitor - SRA No. 427088
KWW Solicitors
70 Walton Road, East Molesey
Surrey KT8 0DL
j.haskew@kww.co.uk 0208 979 1131

To whom it may concern,

- On the advice of Councillors Kevin Whinchup, Steve Bax, and Richard Flatau, we write with reference to the areas of open land (The Green) at Dundas Gardens in West Molesey (KT8 1RX), this is edged in Red in the attached Appendix 1-The-Green-at-Dundas-Gardens-West-Molesey-Surrey-KT8-1RX

We request that these be considered for a change of status to a “Village Green” Status. We believe that the land meets the criteria for this for the following reasons:

- It is more than **in reasonably close proximity to the community it serves** as it is located directly in the middle of our housing estate. It is quite literally within a few metres of houses and the community it serves.
- It is **demonstrably special to the local community** as these are recreational spaces, used daily for children playing/exercising, jogging, fitness training, sports, dog walking, picnicking and by the elderly members of our community who can't walk very far. However, the land is also highly inclusive and benefits many who visit from the wider community and use it for the above activities too. These are enclosed spaces, shielded from the view of any main road, and children can play here in safety and comfort. In addition, they also provide a natural flood defence.
- The area is **local in character, not an extensive tract of land**. This green space has been part of our estate since the houses were developed back in the early 1960s, offering visual appeal and an opportunity for the activities listed above. They have also become a haven for wildlife and are home to foxes, badgers, bats, birds (Including Owls), bees and hedgehogs, all of which have been sighted here. This land is by no means extensive; a very small sized area, with some beautiful ancient trees (which we have also recently acquired a TPO for). Although no footpath runs directly across, there is a path that surrounds the green area which is a public right of way and is used by children and their parents travelling to and from various places. Public access is therefore a key factor in preserving these spaces.

The area is demonstrably special to the local community and holds a particular local significance. Examples of this are as follows:

- **Beauty** – The visual attractiveness of the area contributes to the landscape of the Dundas Gardens development giving it unique character, unlike most housing estates. Open views of these green spaces contribute to the local identity and natural beauty of the area, giving it a sense of place.
- **Historic significance** – As mentioned that land has over sixty years of history and has offered a tranquil green space for residents of the estate and visitors to enjoy during this time. We would like it to remain so. These open views enhance the character of the buildings and need to be protected so that they can never be comprised by the threat of development of the land.
- **Recreational value** – This recreational value afforded by the green space is as follows; It is used daily for children playing/exercising, sports, dog walking, picnicking and by the elderly members of our community who can't walk very far. However, the land is highly inclusive and benefits many who visit from the wider community, as it is enclosed children can play here in safety and comfort.
- **Tranquillity** – Dundas Gardens is part of the overall Hurst Park estate and is located central to the surrounding major roads (Walton Road, New Road and Hurst Road), these green spaces provide value to the local community in terms of offering an oasis of calm away from these busy roads and a space for quiet reflection. Children after school (particularly in the summer months), the elderly and families (particularly at weekends) enjoy the peace and quiet of the open spaces on this development where they can hear birdsong and see trees on the landscape. If the land is granted

Village Green status, we would like to raise money to provide some benches which will add to the tranquil appeal of the area and facilitate people to sit and enjoy the natural beauty and wildlife of the area that surrounds them.

- **Richness of wildlife** – The spaces are of local significance because they are a haven for wildlife and home to foxes, badgers, bats, birds, bees and hedgehogs, all of which have been sighted here. There are two mature

trees on the land which are now protected with a TPO however we need to ensure these majestic trees are protected further with the Village Green status.

- **Biodiversity** - It is imperative that we the community and the local councils provide supportive efforts to reduce climate change by conserving green spaces as they play crucial role in mitigating climate change by absorbing carbon dioxide and releasing oxygen through photosynthesis. They also help to regulate temperatures, reduce air pollution, and provide essential habitats for various species. By conserving green spaces, we can preserve these natural ecosystems and their benefits for future generations.

Biodiversity loss is a significant issue that contributes to climate change. By safeguarding natural habitats like the green spaces, we help maintain diverse ecosystems that support a wide range of plant and animal species. This not only promotes ecological balance but also enhances the resilience of these ecosystems in the face of climate- related challenges.

Petition - Since upon hearing of the sale of the land, we have also started a petition which as you will see we have over 1000 signatures which just shows how many people (Residents/Non-Residents) are opposed to the sale of the land and wish for it to remain a green open space for use by the community.

https://www.change.org/p/save-our-lovely-green?source_location=search

We hope you will look favourably on our request to consider categorising these three areas as Village Green Spaces. We believe they more than meet the criteria for doing so as highlighted in the above comments. If possible, please could you advise as to when a decision will be made on this.

Kind regards,

Andrew Griffiths (on Behalf of the residents of Dundas Gardens, West Molesey KT8 1RX)

The Green at Dundas Gardens, West Molesey, Surrey, KT8 1RX

