

Strete Village Green

The Village Green in Strete, situated off Vicarage Lane, was known as the Tannen Land.

The land was originally owned by Marden Developments, part of the Tannen Group, who obtained the land with a view to developing it for housing. Marden was granted planning permission for a specific number of dwellings to be built on this land and also on land which is now Start Bay Park. Because the total number of houses were built on Start Bay Park, DCC subsequently withdrew the planning consent for the Tannen Land.

The land was therefore not of any use to Marden Developments and so they gifted the land to DCC in 1978 to be used as an open green space, for the benefit of the community, with the proviso that if DCC wished to dispose of the land before 2051, they would have to offer it back to Marden Developments for £1. Marden also attached a number of covenants on this land to control its use. Some of these covenants, which are in favour of the dwellings in Start Bay Park, state that no buildings can be erected, no vehicular or pedestrian exits can be created onto the A379, there can be no organised ball games or public meetings on the land and it should be maintained in a clean and tidy condition. Its permitted use is for amenity, recreational and the grazing of livestock.

Alongside the Marden land, a small parcel of land was purchased by DCC from Mr Toll in 1965 to create road widening. Some of this land forms the visibility splay and houses the footpath, the small oak tree and a bench. The remainder of this parcel runs along the edge of the Village Green and it too became part of this recreation land, but is not subject to the covenants.

In 1981, the Parish Council agreed to create a children's play park and hoped that it could be housed in the Tannen Land. But in 1982 a petition was handed in opposing this proposal and an alternative site was eventually found elsewhere in the village on land owned by Mr Toll, where the play park still stands today.

After managing the Tannen Land for some time themselves, DCC created a formal Management Agreement with Strete Parish Council in 1989 for a term of 21 years for the PC to manage the day to day aspects of the land. Following a short negotiation break, the MA commenced a second term of 21 years in 2014 which expires in 2035. Part of this agreement states the PC has to maintain a rough wildlife area, they are not to fell or remove any trees and they must carry out regular visual inspections of the A379 retaining wall. DCC are responsible for the maintenance and repair of this retaining wall only, all other boundary walls and fences belonging to the land are the responsibility of the PC.

In 2013 an adjoining neighbour applied for the land to be awarded Village Green status thereby further protecting it from development. The land remains in the ownership of DCC and the status of Village Green does not remove the original covenants.

VILLAGE GREENS

Extracts from Open Green Spaces, An Introduction to their Legal Status & Protection, 2nd Edition

- town and village greens, including those newly registered, are protected by two Victorian laws:
 - 1) section 12 of the inclosure Act 1857 against injury or damage and interruption to their use or enjoyment as a place for exercise and recreation. it imposes a criminal sanction for the offence of injury to village greens.
 - 2) section 29 of the commons Act 1876 makes encroachment or inclosure of a green, interference with or occupation of the soil or the erection of any structure unlawful
- Things you can or cannot do on village greens
What are lawful sports and pastimes? this can include any lawful recreational activity on the land. so cock-fighting (an illegal activity) would not be allowed, but many other things you could describe as exercise or recreation would. examples include organised sports and games like football and rounders, kite flying, fishing, archery and shooting (!), riding or racing horses and ponies, children playing, sketching, painting etc, bird watching, snow balling, sledging, blackberrying, dancing round maypoles, having picnics and just wandering about in the open air. Walking dogs is a recreational activity (if it is for the benefit of the people not the dogs)
- Can we have festivals and events? Yes as long as they are not for commercial gain and, critically, they do not damage the green itself. if damage occurs then you would fall foul of s 12 of the 1857 Act and s29 of the 1876 Act.
- Can we fence off the green (or part of it)? no. this is called encroachment. the 1876 Act specifically refers to enclosure of a green, or part of it, as unlawful. (in the past you may have heard of people applying to the secretary of state (defra) for permission to put up fencing on greens or commons. this was under s194 of the law of property Act 1925 and applied to greens in existence since 1926. this has now been superseded by the commons Act 2006 and no longer applies).
- Can we put buildings up on the green? generally no. Again the 1876 Act makes this unlawful. however, if the buildings are put up 'with a view to the better enjoyment of the green' i.e. for the purpose of recreation or enjoying recreation, then they are allowed. this means small building work like football nets, rugby posts, tennis-courts, play equipment, seats, benches, shelters and even sports pavilions are all oK. Village halls and community centres, even if they are for the purpose of hosting recreational activities, are deemed as not directly for recreation themselves and therefore not allowed. so a shelter designed so that people can sit or stand and watch what is going on on the green is ok, but a shelter to wait for the bus (and facing the road) is not. remember that you may also need planning or other permissions as well.
- Can we put a track across the green? no, because it would 'injure' the surface of the green and therefore is unlawful under both Victorian Acts.
- Can we plant trees on the green? the owner of the green can if it enhances the enjoyment of recreation i.e. there aren't too many and they do not get in the way of whatever recreational

activities people enjoy and / or they enhance the look and feel of the green (visual amenity). Fencing off areas for new trees would not be allowable as it would interrupt recreational activities. What constitutes 'too many' and 'in the way' would be for your local community to decide. commercial tree planting or large tracts of planting would cause a public nuisance and interfere with recreational enjoyment so would be unlawful.