

DORSET COUNCIL - STRATEGIC PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 9 DECEMBER 2019

Present: Cllrs Robin Cook (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Jean Dunseith, Mike Dyer, Sherry Jespersen, Mary Penfold, Belinda Ridout, David Tooke and John Worth

Apologies: Cllrs Kelvin Clayton and David Gray

Officers present: Vanessa Penny (Definitive Map Team Manager), Phil Crowther (Senior Solicitor) and David Northover (Senior Democratic Services Officer).

8. Apologies

Apologies for absence were received from Councillors Kelvin Clayton and David Gray.

9. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

10. Minutes

The minutes of the meeting held on 23 September 2019 were confirmed and signed.

11. Public Participation

There were no statements or questions from Town and Parish Councils, nor public statements or questions at the meeting.

12. Application to deregister land within the curtilage of a building wrongly registered as common land at Crendell, Alderholt

Consideration was given on an application - CLD 2018/1 - to deregister land within the curtilage of a building wrongly registered as common land at Crendell, Alderholt, with the basis for the application being explained by officers and what it entailed. The application was accompanied by supporting documentary evidence.

With the aid of a visual presentation, officers explained what the reasoning for the recommendation was and what the provisions of the application were. Photographs and plans were shown illustrating this, showing the application

area from various directions and at various points; the accommodation on the site and its characteristics and setting within the landscape in that part of Alderholt.

Officers explained the history to the application, of the site and what process had taken place to get to where the application now was, in that the application had been made in January 2018, with the common being provisionally registered in September 1968 under the provisions of the Commons Registration Act 1965. The application being made asserted that the land - outlined in red on plans - was wrongly registered, as it was within the curtilage of a building at that time and remained so at the time of the application.

The common land unit formed part of the Cranborne Estate and consisted of a number of small parcels of land in the area known as "Wastelands", with the site being originally occupied by a bungalow, for many years, which had recently been demolished and replaced with a house.

Officers explained that there were four requirements which needed to be met for the application to succeed. In assessing the available evidence thoroughly, officers had concluded that each of those tests had been fulfilled in that :-

- firstly, the land was provisionally registered within the required timescale - in having to be provisionally registered as common land under section 4 of the Commons Registration Act 1965
- secondly, at the date of the provisional registration, the land was covered by a building or was within the curtilage of a building. This was evidenced by a conveyancing document relating to the application land dated 1957 - which included a plan which showed a building on the site - and also a mortgage deed from 1957, relating to that sale of the land which referred to a bungalow under construction at the time, this being eleven years prior to provisional registration
- thirdly, the registration had become final, which it did in January 1981
- and finally, since the date of the provisional registration, the land had at all times been, and still was, covered by a building or within the curtilage of a building.

Accordingly, what was being claimed was credible and acceptable - and this formed the basis of the reasoning of the officer's recommendation, with Members now being asked whether they considered the application satisfied the statutory requirements to deregister land as Common Land.

Following formal consultation - whilst the Cranborne Estate had no objection to make - an objection had been received to the application on the grounds that there was no evidence to show a building on the application land as evidenced in two Ordnance Survey maps, dated 1963 and 1994 respectively. Concerns were also raised that as the largest building on the site had been recently demolished and replaced by a new building, the application was

invalid in meeting the requirement that the land "...has at all times been, and still is, covered by a building..."

Moreover, a second objection - received after the end of the consultation period - raised concern over insufficient evidence that the bungalow was actually constructed before the date of provisional registration and that the legal requirements should be applied at the date of determination, not the date of the application.

The objections related to the issue of whether or not the application met the legal tests for deregistration. In applying those tests to the objections being made, the following judgements had been made by officers, in that:-

- the fact that the building did not show on OS maps during the relevant period did not mean that it did not exist, merely that it was a feature that was not shown, for reasons of scale.
- Defra guidance indicated that the relevant date for consideration referred to the date the application was made. The bungalow was demolished in 2018 after the application was made. Therefore, it was considered that this requirement was met. If, however, consideration was to be given to the relevant date for consideration being the date of determination, and not the date of the application, officers considered that the length of time that there was no building present on the land was "de minimis", in terms of this test.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and about what they had heard and officers provided clarification in respect of the points raised, as necessary.

The local Ward member for Cranborne and Alderholt was satisfied with what was being recommended on the basis of the evidence submitted by the applicant.

Having had the opportunity to discuss the merits of the application, having understood what this entailed and the reasoning for it being made; having taken into account the officer's report, what they had heard at the meeting from the case officer, and the evidence presented, the Committee agreed that this clearly fulfilled the requirements necessary to deregister the land and demonstrated that application CLD 2018/1 should be accepted and, on being put to the vote, it was

Resolved

- 1) That application CLD 2018/1 to deregister land within the curtilage of a building wrongly registered as common land at Crendell, Alderholt be accepted; and
- 2) That the Register of Common Land be updated accordingly as shown on Drawing 19/19.

Reasons for decisions

- 1) The proposed deregistration met the legal criteria set out in the Commons Act 2006.
- 2) The evidence presented to the Council demonstrated that application CLD

2018/1 should be accepted and the relevant land deregistered as Common Land.

13. **Urgent items**

There were no urgent items of business for consideration.

Duration of meeting: 11.00 am - 12.00 pm

Chairman

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