

TARRINGTON PARISH COUNCIL

Background

The area of land known as Jubilee Green in Tarrington has been considered at recent Council meetings with questions raised about the cost to maintain the land perceived by some Members as offering little value to the community. My file note dated 02 JUN 26 clearly shows that the land was transferred to Tarrington Parish Council (TPC) ownership with the legal covenant that TPC is not to use the land otherwise than as a village green and play area or for some similar purpose for the benefit of the residents of the area. It is understood that Jubilee Green is not formally registered as a village green and Members have asked for more information enabling the Council to consider whether to register as a village green, or not.

Common land, village greens, open spaces and green spaces

Common land, village greens, open and green spaces are legally distinct categories of protected public and private land in the UK, defined by specific access rights and historical usage. The key definitions and differences are summarised below:

Common Land: privately or publicly owned land subject to traditional "rights of common" (such as grazing livestock or gathering turf). The public generally has a legal right of access on foot (the right to roam) under the Countryside and Rights of Way Act 2000, though camping, driving, or holding unauthorised events is prohibited.

Registered Common Land in Tarrington are:

1. Tarrington Common,
2. Little Tarrington Common;
3. Durlow Common.

Village Greens: specific areas set aside for local people only, to engage in lawful sports, games, and pastimes (like cricket, dog walking, or community fairs and fetes). Unlike common land, public access rights apply specifically to local inhabitants rather than a general national right to roam, and if formally registered as a village green, they are strictly protected against building and development. Interfering with, or building on a registered village green is a criminal offense.

Open Spaces and Green Spaces: These are broader terms encompassing undeveloped or lightly developed land including parks, gardens, urban squares, forests, lakes, and natural play areas. These may or may not carry formal legal registrations like common land or village greens, but they serve community recreational needs. Open and green spaces are generally not protected from development.

TPC has designated specific local areas as local green spaces in their Neighbourhood Development Plan which was adopted by Herefordshire Council Planning Team on the 14 April 2022. Policy TAR13: Local Green Space states that the following Local Green Spaces will be safeguarded from inappropriate development unless very special circumstances arise which outweigh the need for protection:

1. Lady Emily Community Hall field, children's play area and garden;
2. St. Philip and St. James churchyard and access;
3. green spaces and children's play area at Barrs Orchard, Pound Close and Garbrook;
4. Jubilee Green;
5. highway verges at School Road and Church Lane.

Jubilee Green

Jubilee Green is not registered as a village green and does not hold a formal statutory registration number with Herefordshire Council, which acts as the local Commons Registration Authority under the Commons Act 2006. It is recognised by Herefordshire Council in its planning policy as a valued community green space rather than a registered common land asset. (Tarrington NDP). Village green status is a legal designation protecting an area of land so local people can use it for sports, games, and recreation forever. The key protections given by formally registering as a village green are:

- No Building: protected from building work and changes that stop public use.
- Permanent Right: gives local residents a lifelong legal right to play and relax there.
- Stays the Same: ownership can change, but the land stays a protected green.

Applications to register a village green usually ask for proof that the land has been used for village green activities for at least 20 years, but TPC as the owner of the land can register Jubilee Green without needing to prove this. The application will be made to Herefordshire Council.

Pros and Cons for TPC formally registering Jubilee Green as a village green

Pros:

- Stops building: completely blocks future developments on the land should Herefordshire Council Planning or HM Planning Inspectorate decide that special circumstances outweigh the need for protection. This assumes that TPC might have sold the land to a developer who removes the original legal covenant.
- Community access: secures legal rights for local residents to use the space for picnics, games, and family pastimes.
- Legal protection: makes it a criminal offense to damage, build on, enclose, or block public enjoyment of the green.

Cons:

- Loss of Flexibility: once registered it is difficult to unregister should TPC be made an attractive financial offer for the land in the future.
- Hard to Reverse: de-registration is extremely difficult, costly, and often requires offering equivalent replacement land.
- Loss of Value: destroys the financial value of the land for TPC by removing any potential to build.

Other considerations:

The owners of properties 2 and 3 own parts of the area used as Jubilee Green (reference my file note dated 02 JUN 26) and this will need to be taken into account in any consideration of registering as a village green. It is possible to register just the land owned by the parish council. TPC may also decide to consider acquiring these two parcels of land. The owners of these properties will probably have a view on the value of this land.

Further information can be found in the following documents which are attached to the email containing this file note:

DEFRA – The Commons Act 2006 and voluntary dedication of land as a town or village green
DEFRA – Commons Act 2006 Factsheet 5: Town and Village Greens
Form CA9 Application to register a village green

PR HAYDEN

Clerk, Tarrington Parish Council

29 JUL 26