

Reference: PLA2763337

Date

16 Feb 2017

Time

16:09:52

## Planning application enquiry

### Name

Title	Mr
First name(s)	C
Surname	Davidson

### Address

If the address is within North Lincolnshire, enter the postcode or street name in the box below and then select **[Lookup]**. If the address is outside of North Lincolnshire, or your address is NOT SHOWN in the list or is incorrect, you will need to enter the address in the boxes provided below.

Postcode or street name to search for

Flat	
House	Virginia House
Street	
Town	Messingham
Locality	
County	
Postcode	

Email Address

Telephone Number

Mobile Number

Preferred contact method

Email

### Enquiry details

Application referencee.g. PA/YYYY/APPNO\*

PA/2017/133

Do you...\*

Object to proposal

Comments

The local authority namely North Lincolnshire Council, should have details of ownership. If the applicant is trying to obtain adverse possession of the land that he does not own the land he may have several legal difficulties to overcome; firstly it is an offence to inform a local planning authority that you are the owner of the land when in actuality you are not .....

Adverse possession for most unregistered land it's 12 years but for Crown land or some Church land, it's 30 years. (For registered land it's 10 years). In addition to that the land is currently classified as EC11 Protected Land under the local development plan for North Lincolnshire. If the land is classed as common land then the applicant has no rights of adverse possession to that land whatsoever.

In order for the Land Registry to consider your claim to the title of the land, by adverse possession, four tests must be met:

- \* the squatter has factual possession of the land;
- \* the squatter has the necessary intention to possess the land;
- \* the squatter's possession is without the owner's consent; and
- \* all the above have been true of the squatter and any predecessors through whom the squatter claims for at least 12 years prior to the date of the application.

That last test might prove the most difficult one to get through. You need to show that you (or the previous occupier(s) of your house have been using the land (rather than simply having access to it) throughout that period.

If the registered landowner is not keeping the land in a reasonable state then the local authority can take measures to have the area mowed from time to time. A statement of truth is a method of providing evidence in support of an application you send to Land Registry. The need to provide evidence may arise in a variety of situations, for example:

- when you apply to be registered as proprietor of land on the basis of adverse possession, or if for some other reason there are no documents proving your title, or such documents have been lost
- when you apply to register a right acquired by prescription
- when you apply for an entry in the register to protect an undocumented interest in land
- when you apply to cancel a restriction protecting a trust in land that has come to an end

Land Registry practice guides explain the evidence you should provide in such circumstances.

Before November 2008, the normal method of providing such evidence was by statutory declaration. In November 2008, Land Registry adopted statements of truth as an alternative form of evidence, following the precedent set by the civil courts.

- application form ADV2 and form CT1 incorporate a statement of truth
- statement of truth form ST1, form ST2, form ST3, form ST4 and form ST5 cater for the most common circumstances where evidence is required in support of an application
- a statement of truth may also be prepared as a freestanding document. If so, it must meet the requirements summarised in Requirements for a statement of truth

Except where the prescribed application form incorporates a statement of truth, you may use a statutory declaration for supporting evidence if you prefer.

Original documents are required only if your application is a first registration; we will return the originals once the application has been completed. If your application is not a first registration then we will need only certified copies of deeds or documents you send to us with Land Registry applications. Once we have made a scanned copy of the documents you send to us, they will be destroyed. This applies to both originals and certified copies.

The Land Registry forms that incorporate a statement of truth include the following warning of the consequences of fraud. The warning also applies to a freestanding statement of truth and to a statutory declaration.

"If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years imprisonment or an unlimited fine, or both."

The traditional content of English land law relates to property rights that derive from common law, equity and the registration system. Ordinarily, ownership of land is acquired by a contract of sale, and to complete a purchase, the buyer must formally register their interest with HM Land Registry.

As the applicant has not mentioned the fact of adverse possession, there is no evidence of adverse to a

previous owner, the applicant may not claim mature possession after 12 years; he has merely indicated he has left it to his "Solicitor" to secure a sound legal right to the land. The proof of the pudding is in the eating, where is the Title Deed Registration Number? The application form submitted to the Council is somewhat vague in regard to facts and some of the questions asked of the applicant have not been answered satisfactorily.