

## **Tunbridge Wells Commons Conservators: Sale of Commons fact sheet**

### **Background**

- Tunbridge Wells & Rusthall Commons have been owned by Targetfollow (Pantiles) Ltd since they were bought in 2008, along with the title to the Manor of Rusthall Targetfollow has the right to sell the Commons as it chooses, and it announced that it would do so in October 2025.
- While the land is owned by Targetfollow, and any income from it goes to them, they do not have authority to manage the land. The statutory body responsible for the management and administration of the land is Tunbridge Wells Commons Conservators.
- The Conservators were established in 1890 in the Tunbridge Wells Improvement Act and reconstituted in the County of Kent Act 1981.
- The Conservator body consists of 12 persons. Four are appointed to represent the landowner (known as the Manor of Rusthall, at the moment this is Targetfollow), four are Freehold Tenants of the Manor of Rusthall and four are elected Tunbridge Wells Borough Councillors.

### **Compliance – what legal powers and duties do the Conservators have?**

The Conservators have a statutory duty under the County of Kent Act to maintain and preserve the Commons and have legal powers to:

- execute works (to help preserve and provide access to the Commons),
- provide access to the Commons.
- ensure that the Commons are preserved from encroachments,
- make byelaws.

As the body responsible for managing the land, the Conservators also have a duty to uphold and comply with other legislation, including that related to Village Greens.

In exercising these powers, the Conservators must act to protect the Commons from proposals that would undermine their statutory purposes or the rights of public access and enjoyment.

### **Protection of the land**

The Commons have limited protection under planning legislation (as a designated conservation area), but other legislation gives them much greater protection from development:

- The County of Kent Act confers free public access to the land (subject to the byelaws) and makes it unlawful to encroach on the Commons without the consent of the Conservators.
- In addition, both Tunbridge Wells and Rusthall Commons were registered as Village Greens in 1967.

Village Greens have the highest levels of legal protection of any type of land. Village Green legislation goes into great detail, but of significance is the wording that makes it a criminal offence to undertake any act which causes injury (damage) to the green or undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation. (Some Village Green land can be deregistered under certain circumstances, but this is a complicated and expensive process which requires among other things an application to the Secretary of State and provision of a suitable piece of “exchange land” of equal size and value to public amenity to replace the deregistered land.)

- These protections apply to the whole of both Commons, including the car park on Major York’s Road.
- In practice, proposals that would result in the loss, redevelopment or commercialisation of Village Green land face an exceptionally high legal and procedural bar. Such proposals are rare, complex, time-consuming and uncertain, and there is no presumption that they would be approved. Any proposal affecting the Commons would be subject to multiple layers of scrutiny, consultation and potential challenge.

#### **How do the Conservators manage requests that impact the Commons?**

- All requests and proposals affecting the land must be submitted to the Conservators for a decision.
- Decisions of the Conservators are made by majority vote at meetings which are open to the public.
- The Conservators have a legal duty to decline and, where necessary, actively oppose any proposal that has a detrimental impact on the Commons, including impacts on access, character, ecology, heritage or public enjoyment.

#### **How will a change of ownership affect my use of the Commons?**

- The only notable change would be a change to the people representing the Manor of Rusthall on the Conservator body.
- The owner of the Commons cannot take decisions about use of the land outside of their role as part of the Conservator body.
- Any new owner would be bound by the same legal framework and subject to the same statutory controls and decision-making processes as the current owner.

***Approved by all Conservators: 21<sup>st</sup> January 2026***