



COMMONS REGISTRATION ACT 1965

Reference No. 32/D/3

In the Matter of Churchill Batch,  
Churchill, Somerset (No.2)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.3 in the Register of Common Land maintained by the Somerset County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No. V.G.35 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Taunton on 1st November 1972. The hearing was attended by Mr. G.T. Hutchins, solicitor for Mr. N.W. Warren, the successor in title of the late Mr. H.G. Wookey who made the registration as common land and by Mr. Robert Smith, solicitor, for the Churchill Parish Council, which made the registration as a town or village green.

Mr. Warren gave evidence that Mr. Wookey was his father-in-law and that he grazed cattle on the land in question for 30 years, partly before and partly after Mr. Wookey purchased the right of pasture from Mr. G.J. Avery in 1953. Mr. Avery's title to the right of pasture can be traced back to 1892.

The land in question therefore falls within paragraph (a) in the definition of "common land" in section 22(1) of the Commons Registration Act 1965 and since, for the reasons given in my decision in In the Matter of Churchill Batch (No.1), it is not a town or village green as defined in that Act, I confirm the registration as common land.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 13<sup>th</sup> of November 1972

  
Chief Commons Commissioner