



COMMONS REGISTRATION ACT 1965

Reference Nos 260/D/58-59

In the Matter of Felton Hill or Felton Common,
Winford, Avon (No. 1A)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 9 in the Register of Common Land maintained by the former Somerset County Council and are occasioned by Objection No. 0/53 made by the late Mr W E G Rendall and Objection No. 0/70 made by the Rev. Prebendary H L Franklin and both noted in the Register on 20 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Weston-super-Mare on 18 October 1978. The hearing was attended by Mr P G Webb, the Chairman of the Winford Parish Council. The Objections relate to the inclusion of two small areas in the Register Unit. Mr Webb informed me that the Parish Council did not oppose the exclusion of the area the subject of Objection No. 0/70, which was conveyed by the Parish Council to Prebendary Franklin by a deed dated 15 November 1968 under the provisions of the Gifts for Churches Act 1811 and has since been consecrated for burials.

Mr Webb informed me that the area the subject of Objection No. 0/53 was at one time a private garden, but had not been used as such for the last 30 or 40 years and he asked that it should remain in the Register Unit. In the absence of any appearance by anyone claiming to be the successor in title to Mr Rendall, my proper course appeared to be to leave this area within the Register Unit and I therefore confirmed the registration with the following modification:- namely the exclusion of the land the subject of Objection No. 0/70.

Shortly after notice of my decision was published, I was informed that Mr Rendall had been succeeded in title by Mr G R Gibbs and that the Parish Council agreed that Mr Rendall's Objection was valid.

I therefore decided to set aside my decision and re-open the hearing. However, since the parties were agreed as to what my decision should be, the re-opening of the hearing was a mere technicality and I did not require the parties to attend.

I re-opened the hearing at Watergate House, London WC2 on 11 April 1979 and I accordingly confirm the registration with the following modifications:-namely, the exclusion of the land the subject of Objection Nos. 0/53 and 0/70.

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

2nd

day of

May

1979


Chief Commons Commissioner