



COMMONS REGISTRATION ACT 1965

Reference No. 260/U/15

In the Matter of Holcombe Field or
Itchington Fields Common, Tytherington

DECISION

This reference relates to the question of the ownership of land known as Holcombe Field or Itchington Fields Common, Tytherington being the land comprised in the Land Section of Register Unit No. CL97 in the Register of Common Land maintained by the Gloucestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Tytherington Parish Council claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bristol on 25 April 1979.

Mr W T Humphries clerk to the Tytherington Parish Council appeared. He had no evidence to support his Councils claim to ownership. He told me very frankly that Wimpeys had deposited a great deal of rubbish on the land in the course of making a motorway and that his council had sought to recover damages and been told that its claim would be considered if it could establish its ownership, but that it had been unable to prove ownership of the land.

In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 of the Act of 1965.

The Council may consider seeking the advice of its legal advisers as to whether in the exercise of the power conferred upon it by section 9, whether with or without the co-operation of the persons entitled to common rights any action is open to it to procure the land to be restored to its former state.

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

4th

day of

June

1979

G A Little

Commons Commissioner