

COMMONS REGISTRATION ACT 1965

Reference No. 260/D/74-77

In the Matter of The Village
Green, Iron Acton

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries No. 1-3 in the Rights Section of Register Unit No. G/VG 36 in the Register of Town or Village Greens maintained by the Avon County Council and are occasioned by two Objections (1) No. 84 made by the former Gloucestershire County Council and noted in the Register on 18 December 1970, (2) No. 114 made by Gilbert Francis Blanchard and noted in the Register on 18 December 1970.

I held a hearing for the purpose of inquiring into the disputes at Bristol on 17 April 1980. The hearing was attended by Mr D J Ballew of the firm of Veale Benson and Co, Solicitors, on behalf of Iron Acton Parish Council, the applicant for registration in the Land Section; by Mr and Mrs Taylor, the applicants for registration of Entry No. 3 in the Rights Section; by Miss D Jenkins Evans, Solicitor of the County Council; and by Mr S Roberts, of the firm of Tucketts, Solicitors, on behalf of the successor to the Objector ^(No 84) Mr A W G Blanchard.

(A) Objection No. 84 by the County Council is on the ground that parts of the land in question ("the Unit land") are highway or highway land. These parts are shown on a plan which has been furnished by the County Council: there are three strips marked red, of which the one running NW to SE across the Green is a pathway and as regards this pathway I do not think the Objection succeeds: there is a fourth strip marked blue. Neither Mr Ballew nor Mr Taylor resisted the Objection as regards the two red strips other than the pathway, or the blue strip, and these three strips should be excluded from the Unit land.

(B) Objection No. 114 by Mr Blanchard is on the ground that part of the Unit land includes the private road to Rose Cottage and was the Objector's property. Mr A W G Blanchard produced an Assent dated 8 February 1974 made in his favour by the executor of the Objector and comprising Rose Cottage, the parcels described including "Coal Ash Road". There was also produced a plan on which the area coloured brown is a tarmac road which is not used by anyone other than the owners of Rose Cottage. Mr Ballew and Mr Taylor did not oppose the exclusion of this area from the Unit land and I shall give effect to the Objection accordingly.

In the result I confirm the registrations with the modification that there be excluded from the Unit land the three strips referred to in paragraph (A) above and the area referred to in paragraph (B).

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

12 May

1980

L. J. Davis Smith

Commons Commissioner