



In the Matter of The Village Green, Iron Acton, Avon

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Iron Acton, being the land comprised in the Land Section of Register Unit No. VG.36 in the Register of Town or Village Greens maintained by the Avon 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 Mr D Roberts 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 Bath on 13 January 1984. At the hearing, the Iron Acton Parish Council was represented by Mr J. Bellow, Solicitor, and Mr Roberts appeared in person.

Mr Bellow informed me that he had no evidence as to the ownership of any part of the land in question. Mr Roberts's claim was confined to a small square area of land on the opposite side of a road from the rest of the land.

The land claimed by Mr Roberts forms part of a larger approximately square area, in the north-west corner of which formerly stood a building used as a forge. The land claimed by Mr Roberts lies immediately to the South of the forge, and there used to be a door giving access to the forge from the land.

The land numbered 466 on the Iron Acton tithe map was conveyed to Mr Roberts by a Conveyance made 31 January 1977 between (1) Garth Puckey (2) David Michael Roberts.

Tithe No. 466 is described in the apportionment as "Cottage and Garden". The parcels of an indenture made 12 February 1885 between (1) Anne Powell and Emme Champion (2) George Taylor (3) Walter Hicks Langford are "all that messuage tenement or dwellinghouse with the blacksmith's shop outbuilding and garden thereto belonging" numbered 466 on the tithe map. This description is repeated in a Conveyance made 25 March 1927 between (1) Joseph White (2) John Edward Cobb and in a Conveyance made 24 October 1927 between (1) J E Cobb (2) Thomas Edward Puckey. Mr Puckey died on 4 May 1939, and Tithe No. 466 with the same description was vested in Mr Garth Puckey by a vesting assent made on 8 August 1939 by Mr Frank Bailey Parsons, the executor of Mr T E Puckey.

The question which I have to determine is whether the land number No. 466 on the tithe map includes the land now claimed by Mr Roberts.

The tithe map shows the building which was then or later became used as a forge. Adjoining it on the south is an area which is shown as bounded on the west and south by firm lines and as divided from the road on the east by a dotted line. The figure "466" is on the land to the west of the area adjoining the forge, and there is no number on this area. Comparison of the tithe map with the Ordnance Survey Map used as the basis of the Register Map shows that the land the subject of the claim forms the eastern half of the area adjoining the forge shown in the tithe map, being divided from the western half by a fence or hedge with the western half no longer having a boundary to the west or south.



In the absence of evidence to the contrary, I must assume that alteration of the boundaries was carried out lawfully at some time before 5 June 1968, the date of the registration. There being no mention in the conveyance to Mr Roberts of any land in addition to tithe No. 466, it follows that the western half of the area to the south of the old forge building is part of tithe No. 466, and if the western half of that area is part of tithe No. 466, the eastern half must also be part of tithe No. 466 and so included in the chain of conveyances on which Mr Roberts's title is founded.

On this evidence I am satisfied that Mr Roberts is the owner of the part of the land on the west side of the road. I shall accordingly direct the Avon County Council, as registration authority, to register him as the owner of that land under section 8 (2) of the Act of 1965.

In the absence of any evidence as to the ownership of the remainder of the land, I shall direct the County Council to register the Iron Acton Parish Council as the owner under Section 8 (3) of the Act of 1965.

I am required by regulation 50 (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

26th

day of

January

1964

Chief Commons Commissioner