



In the Matter of Drury Lane (Summerling) Common,
Stratfield Mortimer, Berkshire.

DECISION

This reference relates to the question of the ownership of land known as Drury Lane (Summerling) Common, Stratfield Mortimer, being the land comprised in the Land Section of Register Unit No CL 29 in the Register of Common Land maintained by the Berkshire 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 the Stratfield Mortimer Parish Council claimed to be the freehold owner of the land in question, Mrs D H Harrison claimed to be the freehold owner of part of the land, and the Berkshire Branch of the Council for the Preservation of Rural England 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 Newbury on 2 February 1978.

At the hearing Mrs Harrison was represented by Mr A J Doggett, solicitor.

The land the subject of the reference was allotted and awarded by the Stratfield Mortimer Enclosure Award of 1804-as and for a public stone or gravel pit to be used in common by the proprietors of lands and estates within the parish of Stratfield Mortimer and their tenants for their own necessary uses and for the repair of roads within the parish. It is now worked out, being described on the Ordnance Survey Map as "Old Sand Pit". The land is bounded on the north by a gravelled track. On the northern side of the track is a house known as "Woodlands", which was purchased by Mrs Harrison's parents on 14 October 1936 and it passed to her on 28 February 1968. Mrs Harrison has resided at "Woodlands" continuously since 1936. During the whole of that time Mrs Harrison and her parents have used a strip of the land the subject of the reference opposite "Woodlands" as if it were their own property. They have cultivated it, grazed goats and horses on it, mown the grass, and planted flowers without objection from anyone. In my view a possessory title has been acquired in respect of this strip.

On this evidence I am satisfied that Mrs Harrison is the owner of the part of the land which she occupies and I shall accordingly direct the Berkshire County Council, as registration authority, to register her as the owner of that part under section 8(2) of the Act of 1965.

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

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

3rd

day of

March

1978

CHIEF COMMONS COMMISSIONER