



COMMONS REGISTRATION ACT 1965

Reference No 2/U/65

In the Matter of land (fronting on Roundabout Lane) at Winnersh, Wokingham R.D., Berkshire.

DECISION

This reference relates to the question of the ownership of part of land described in the Register as "a piece of land in the Parish of Winnersh (the evidence before me showed that it fronts on Roundabout Lane) and being the land comprised in the Land Section of Register Unit No. CL.23 in the Register of Common Land maintained by the Berkshire County Council. Part (the South-west Part") of the land ("the Unit Land") comprised in this Register Unit is registered at H M Land Registry freehold under Title No BK 23055. This reference relates to the remaining part ("the Not-registered Part") 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 G F Carne wrote to the Clerk of the Commons Commissioners claiming that the Unit Land was owned partially by Mr Dixon and partially by himself. No other person claimed to be the owner of the land or 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 Reading on 20 March 1973. The hearing was attended by Mr Carne and Mr William Darnell Dixon in person.

Mr Carne is and since 1969 has been the owner of a dwelling house known as Copse Edge, Roundabout Lane; he produced his land certificate Title No BK 23055 showing this. Roundabout Lane at its north east end starts at the Reading Road and runs zigzag south west ending at the entrance to the land held with Copse Edge. Mr Carne contended that the South-West Part should not have been registered as Common Land; such registration had been made pursuant to an application made 26 April 1967 by Winnersh Parish Council before Mr Carne became owner. I refused to allow Mr Carne to give evidence in support of this contention, because in my opinion I have on this reference no jurisdiction to consider it. The circumstances of this case are I think essentially the same as those discussed in my decisions dated 16 October 1970 re Riverbank Rowenwalk Ref. 6/U/22 and dated 9 Feb 1973 re Three Corner Piece Ref. 38/U/35 and I adhere to the views I then stated.

Mr Dixon in his evidence said he was the owner of the dwelling house Woodend, Roundabout Lane under a conveyance (which he produced) dated 16 January 1939 by which it together with about two acres of land had been conveyed to him. He had lived there ever since. From time to time he had purchased adjoining pieces of land (the larger being southeast towards Woodland Avenue) so that he now held about 5 acres. When he first went there he developed the lands for commercial purposes as a nurseryman (fruit trees and ornamental shrubs etc) and smallholder (geese, turkeys, guinea fowl, golden pheasant etc); he is now 82 years of age and semi-retired, but his collection of trees and shrubs are of some scientific interest. Among the pieces of land he so purchased was one comprised in a conveyance (which he produced) dated 16 April 1947 by which Mr R F Mobbs conveyed to him the Not-registered Part and an adjoining piece of land ("the Northeast Strip") also fronting on Roundabout Lane and joining up with the



other land owned by Mr Dixon at a point near the entrance gate to Woodend. Mr Dixon also produced an abstract (examined by his solicitors Hay & Son) of the title of Mr R F Hobbs to land adjoining Southernways (by which name Copse Edge was then known). The abstract as to the Not-registered Part commenced with a conveyance dated 28 July 1925 by which Mr J H Gould conveyed to Mr R Curtis (builder) land described as part of the Beaumont Estate including the Unit Land and the land on which Woodend is now built and which was conveyed by the 1939 conveyance. The abstract as to the Northeast Strip commenced with a statutory declaration made on 8 November 1933 by Mr R Curtis as to his possession. Thereafter, in the abstract the title to both pieces was regularly deduced from Mr R Curtis through (16/1/33) Mr A C Renn, (1/4/38) Mrs F N Roberts, (15/1/42) Mr C H Cheese, to (14/10/46) Mr R F Hobbs.

On the above evidence I am satisfied that Mr Dixon is the owner of the Not-registered Part and I shall accordingly direct the Berkshire County Council, as registration authority to register Mr William Darnell Dixon of Woodend, Roundabout Lane, Winnersh under section 8(2) of the Act of 1965 as the owner of the part of the land comprised in this Register Unit which is not registered freehold under title No BK 23055.

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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 11th day of April 1973

a. a. Baden Fuller

Commons Commissioner