



In the Matter of part of Crookham Common,
Thatcham near Newbury

DECISION

This reference relates to the question of the ownership of the land above mentioned being part of the land comprised in the Land Section of Register Unit No. CL.60 in the Register of Common Land maintained by the Council of the Royal County of Berkshire of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Newbury on 7 December 1982 and 4 December 1985.

The first hearing was attended by Mr B G Merriman, representing Thatcham town Council Mr A J Pennett of Counsel instructed by the Treasury Solicitor representing the Ministry of Defence and Mr R P Green in person.

At the second hearing Mr J D Howes of the Treasury Solicitor's Department appeared for the Ministry of Defence, Mr Page, a senior administrative officer appeared for Newbury District Council and Mr W J Headlong appeared for his wife and on his own behalf.

Mr Pennett produced a Conveyance made 10 February 1955 between Major-General R A Bramwell Davies, R L C Blyth and Mrs I F M Forbes of the one part and the Secretary of State for Air of the other part which he alleged comprised the whole of 'B' together with other land. Earlier in 1982 some of that land including the whole or some part of 'B' had been conveyed by the Secretary of State for Defence to Newbury District Council. The Council's documents of title had been lodged with the Land Registry and copies were not available.

Mr Pennett also produced a Conveyance made 20 December 1958 between the British Transport Commissioner of the one part and the Secretary of State for Air of the other part which he claimed included part of 'C' though on inspection of the plan annexed to the Conveyance I formed the opinion that 'C' lay outside the area to which the conveyance related.

There are ^{now} two claimants to plot 'C' the Ministry of Defence and Mr and Mrs Headlong. At the hearing Mr Pennett relied on a Conveyance from the British Transport Commission to the Secretary of State for Air dated 20 December 1958 shortly after the hearing I received a claim from Mr Headlong who had not been given notice of the hearing but had read about it in the local press. Mr Headlong subsequently forwarded to the office of the Commission a photostat copy of a conveyance to himself and his wife from the British Transport Commission dated 21 August 1958. The property comprised in this conveyance is described as 3 acres 1 rood and 16 perches of land or thereabouts together with two cottages known as Nos 1 and 2 Woodside Cottages. 'All of which said premises are more particularly delineated on the plan annexed hereto and shown coloured blue'.

I have compared the plan on the conveyance of August 1958 with



-2-

the plan on the conveyance of 20 December 1958 and in my opinion plot C is included in the conveyance to Mr and Mrs Headlong and is not included in the later conveyance to the Secretary of State for Air.

As to plot D this appears from the plan supplied by the Registration Authority to be part of a tract which runs due north along the eastern boundary of the land acquired by the secretary of State for Air in December 1958 and leads to the public highway after passing through Longlane Gully. The plan annexed to the Conveyance of 20 December 1958 includes the western half of the surgence of the tract which is shown as pt.729 . 168.

After the first hearing I was provided with a copy of a conveyance made on 29 July 1982 between the Crown of the one part and Newbury District Council of the other part. The land comprised in this conveyance is described in the first part of the first Schedule but this is subject to Clause 4 (a) which provides in effect that the boundary of any land conveyed to the District Council on the southerly and easterly sides of the common should be a line 3 foot from the base of the vendors fencing posts.

Having compared plot B with the plan on this conveyance I am satisfied that the conveyance made the District Council the owners of the whole of plot B except for the triangle ABC on the map which I have signed for the purpose of identification and which will be sent to the Registration Authority with a copy of this decision.

As to plot D I have been supplied with a copy of a conveyance made 9 January 1959 between Inkpen Estates Limited of the one part and the Secretary of State for Air of the other part whereby the *grantee* acquired the land adjoining the eastern boundary of the eastern half of the waste I have already mentioned.

On this evidence I am satisfied that the Ministry of Defence owns the whole of plot D.

I shall accordingly direct the Council of the Royal County of Berkshire as registration authority, to register these persons as the owners of these parts of the land under section 8 (2) 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 10th day of December 1985

(Cory Hesketh)

COMMONS COMMISSIONER