



In the Matter of The Marshes, Riseley,
Swallowfield, Berkshire

DECISION

This reference relates to the question of ownership of land known as The Marshes, Riseley, Swallowfield, being the land comprised in the Land Section of Register Unit No. CI. 96 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 Swallowfield Parish Council 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 Windsor on 12 December 1978.

At the hearing the Parish Council was represented by Mr J B Driffield, one of its members.

The land the subject of the references was awarded by the Swallowfield Inclosure Award made 9 July 1817 under the Old Windsor, etc Inclosure Act of 1815 (55 Geo. III, c 122) to the Surveyors of the Highways of the parish of Swallowfield as and for a public gravel pit.

The powers and duties of the Surveyors of Highways were transferred to the Rural District Council by section 25(1) of the Local Government Act 1894 and the property held by the Surveyors for the purpose or by virtue of their powers and duties passed to the Council by section 67 of the Act.

It appears from the minutes of the Parish Council dated 29 April 1904 that the gravel pit was then disused. In 1915 and 1930 the Council decided to clean out a ditch which was causing the land to be flooded and at a meeting held on 17 December 1968 permission was given for the land to be filled in and levelled for use by Riseley School. No doubt the Rural District Council, as highway authority, took no interest in a disused gravel pit. Although the evidence is not strong, it appears to be just sufficient for me to find that the Parish Council acquired a possessory title to the pit.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority, to register the Parish Council as the owner of the land under section 6(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

22nd

day of

January

1978

Chief Commons Commissioner