



In the Matter of the Village Green, Horton,  
Windsor and Maidenhead District, Berkshire

DECISION

This reference relates to the question of the ownership of land containing about 0.13 of an acre known as the Village Green, Horton, Windsor and Maidenhead District being the land comprised in the Land Section of Register Unit No. VG53 in the Register of Town or Village Greens 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 Horton Parish Council (letter of 11 June 1975) said that the land had been administered and maintained by the Council for as long as any resident can remember and incorporates the village War Memorial for two world wars, 1914-18 and 1939-45. No person 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 19 July 1978. At the hearing Horton Parish Council were represented by Mr E Rayner their Chairman.

Mr Rayner, who was born in the parish in 1891, has lived there almost ever since (except the 1914-18 war), been a member of the Parish Council for 30 years and chairman for 25 years said (in effect):- The land is a small triangular piece at the junction of three roads. The north part (about one third of the whole) is consecrated and on it stands the War Memorial. In the centre there is a very old elm tree; there is a record of it having been planted in 1726 by William Ashton, the landlord of the nearby public house as a memorial to his daughter who was killed when a maypole broke; recently the Parish Council arranged, because the tree is dying, for its head to be cut off. The whole area apart from the Memorial and the tree is grassed land. He thought that the Parish Council could claim "squatters rights", having done the work on the Village Green for the last 30 years; they paid for the work on the tree (he produced the receipt of South Tree Surgeons Ltd for carrying this out: with vat £213.16), and they paid for the mowing, although there was a time this had been done voluntarily by members.

On the day after the hearing I inspected the land. It is of attractive appearance, apparently well maintained. Having regard to what Mr Rayner said, I conclude that it at least belongs to the Parish within the popular meaning of these words, and that the Parish Council are in possession in circumstances in which it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Berkshire County Council as registration authority, to register Horton Parish Council as the owners 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 6<sup>th</sup> — day of October 1978

*a a Baden Fuller*

Commons Commissioner