



COMMONS REGISTRATION ACT 1965

Reference Nos 203/U/25
203/U/26
203/U/27

In the Matter of (1) land at Jericho, west of Oakley Village, (2) Little London Green, and (3) land south of the Oakley-Long Crendon Road east of the Village, all in Oakley, Aylesbury Vale District, Buckinghamshire

DECISION

These references relate to the question of the ownership of (1) land containing about 1.37 acres at Jericho, west of Oakley Village, (2) Land containing 1.6 acres and known as Little London Green, and (3) land containing about 2.75 acres south of the Oakley-Long Crendon road and east of the Village, all in Oakley, Aylesbury Vale District being the lands comprised in the Land Section of Register Unit (1) No CL. 235, (2) No CL. 236, and (3) No CL. 237 in the Register of Common Land maintained by the Buckinghamshire 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 no person claimed to be the freehold owner of the lands in question, although upon receiving notice of the hearing Oakley Parish Council claimed ownership; no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Aylesbury on 4 October 1977. At the hearing Oakley Parish Council were represented by Mr L Wright their clerk (Mrs J Edmund and Mr D Hawes two of their members also attended), and Buckinghamshire County Council as registration authority were represented by Mr C D Durrant of the County Secretary and Solicitor's Department.

Mr Durrant produced from the County Record Office the Oakley Inclosure Award dated 30 November 1821 made under the Oakley Inclosure Act 1819 (59 Geo 3 c. 78).

Mr Wright who has been clerk of the Parish Council for 11 years and lived in the Parish for 12 years in the course of his oral evidence described the land. On the day after the hearing I walked for about 100 yards along the north end of the CL. 235 land, walked the length of the CL. 236 land and motored by the CL. 237 land.



The CL. 235 land is a strip about 800 yards long and about 15 to 20 yards wide; it is at right angles to and south of the minor road which runs westwards out of Oakley. It appears at one time to have been a lane. By its north end there is a house (?cottages or former cottages) known as Jericho; except near this house the land as I saw it appeared to be muddy, perhaps by having been cultivated. Mr Wright said that it was locally reputed to be frequently muddy and not infrequently referred to by some name which indicated that it had this particular characteristic.

By the 1828 Award the CL. 235 land was allotted as "Private Road No 1". The Award must be read as passing the ownership of the private road so allotted to the allottees of the land adjoining the road, so that if there be more than one allottee of such adjoining land, each takes up to the middle line of the part of the road by his land, see *Haigh v West* 1893 2 QB 19 at page 29. After the Award the ownership of the CL. 235 land would (unless there was some severance) continue to be the same as that of the adjoining land. However I had no evidence as to the ownership of any of this adjoining land.

The CL. 236 land is a strip between 300 and 350 yards long at right angles to and northwest of the road from Oakley to Brill. Near this road the strip is about 60 yards wide, but further away narrows considerably. Along its southwest side are a number of dwelling houses forming part of the area known as Little London, so the name "Little London Green" is not inappropriate.

The CL. 236 land was not allotted by the 1828 Award. Mr Durrant produced a tracing from a map attached to the Tithe Award for the Parish of Brill dated about 1850 (the map being now at the Bodleian Library) on which the land is coloured brown (with some land further to the northwest), is described in the Schedule as "part of Spanbrook Lane", is numbered 114 and is described as (state of cultivation) "grass".

Mr Wright said (in effect):- Until about 1934 the CL. 236 land was in the parish of Brill. The Parish Council has not done anything to the land except plant some trees on it. The footpath marked on the Register map is marked as a public footpath on the County footpaths map.

The CL. 237 land is a strip about half a mile long on the south side of the road (B4011) from Oakley to Thame. The Register map shows it as comprising OS No 55 containing 4.500 acres (being the whole length and the greater part of the land) and OS No 59 containing 0.182 acres (being a comparatively small plot about 50 yards long). The plot (now OS No 59) was allotted separately by the 1828 Award; the remainder (now OS No 55) was not so allotted, although it (with the other roads) is coloured brown on the Award map. Mr Wright said that plot no 59 is now no longer there, although he understood from old Village people that on it there used to be a cottage.

In my opinion the information summarised above does not indicate that any of these lands are owned by any person; I am therefore not satisfied that any person is the owner of these lands and they will therefore remain subject to protection under section 9 of the Act of 1965. I realise that it may be expedient that these lands, particularly Little London Green, should be owned by the Parish Council, but I have under the Act no jurisdiction to award ownership to a parish council merely because it is expedient.



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 25th day of October — 1977

a. a. Baden Fuller

Commons Commissioner