



In the Matter of a recreation
ground in Whaddon, Aylesbury Vale
District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 2.04 acres being a recreation ground in Whaddon, Aylesbury Vale District and being the land comprised in the Land Section of Register Unit No. VG 101 in the Register of Town or Village Greens 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 Whaddon Parish Council claimed (letter of 16 August 1977) title basing their claim on the provisions of the Act for the Inclosure of Whaddon Chase 1841 (4 Vict. c. 23), and the Award dated 23 October 1844; and the Charity Commission said (letter of 13 October 1977) that they had reminded the Parish Council that their ownership is as trustees rather than as local authority/beneficial owner. No other person claimed to be the freehold owner of the land in question 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 Aylesbury on 20 June 1979. At the hearing Whaddon Parish Council were represented by Mr B V Duke, their clerk; and Buckinghamshire County Council as registration authority, were represented by Mr C D Durrant of their County Secretary and Solicitor's Department.

Mr Durrant produced the said 1844 Award from the County Archives; it contained an allotment unto the Churchwardens and Overseers for the time being of the Parish of Whaddon as a place of exercise and recreation for the neighbouring population of a plot of land containing 2 acres bounded on the northwest by the Winslow road and on the northeast by the Leighton road.

Mr Duke who has lived in the Parish for 18 years and been clerk of the Council for the last 10 years, said (in effect):- The land so allotted is the same as that in this Register Unit. It is used as a recreation ground. The Parish Council have installed playing field equipment, such as swings etc for children; and they arrange and pay for the cutting of the grass. It is used only as a recreation ground and not for organised sports because it is too small for a cricket field or football pitch. And so it has always been ever since he has known it.

On the evidence summarised above I am satisfied that the Parish Council as successors of the Churchwardens and Overseers are the owners of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Whaddon 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 13th —

day of July — 1979

a. a. Baden Fuller

Commons Commissioner