



In the Matter of Drayton Common,
Drayton Parslow, Aylesbury Vale
District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 32.54 acres known as Drayton Common, Drayton Parslow, Aylesbury Vale District being the land comprised in the Land Section of Register Unit No. CL 293 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 Drayton Parish Council claimed (letter of 26 September 1977) 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 Aylesbury on 20 June 1979. At the hearing Drayton Parslow Parish Council were represented by Mr H G Millward their vicechairman, 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 from the County Archives the Drayton Parslow Inclosure Award dated 7 July 1798 (made under the Drayton Parslow Inclosure Act 1797, 37 Geo. 3 c.140), by which there was allotted unto the Rector Churchwardens and Overseers of the poor of the parish of Drayton Parslow and their successors for ever, in trust for the benefit of the poor inhabitants and parishioners of Drayton Parslow, a plot of land containing 36 a. 2 r. 5 p.

Mr Millward who has lived in the parish since 1971 and been a member of the Parish Council for the last 3 years, in the course of his evidence produced letters of 19 and 21 September 1977 and 31 January 1978 from the Charity Commission and a copy of an extract from the Commissioners' Unreported Volumes which included statement of the said 1798 Allotment.

Mr Millward said (in effect):- The land so awarded which is marked on the Award map "plot No. 79 THE POOR", is the same as OS Nos 201 and 202 on the Register map thereon shown as being this Register Unit. The land is now let by the Parish Council for agricultural purposes to a local farmer who pays rent at the rate of £8 per acre; this rent is now under review. Rent received is used for fuel grants paid annually for needy people in the Drayton Parish (mostly the elderly).

I asked him if he could explain why the Parish Council (as successors of the Churchwardens and Overseers mentioned in the 1798 Allotment) were letting the land without reference to the "Rector" (in the Allotment mentioned). Mr Millward said (in effect):- There was no record of a Rector or any other church authority being concerned with this land, but the Parish Council records were not complete. For the local church there is now no local resident clergyman, such church being under the care of the Vicar of Stewkley. Mr Millward produced a memorandum dated 21 September 1977 which had been prepared by Mr J M B Smith-Cresswell, a former vicechairman of the Parish Council and a resident of the parish for at least 15 years (he died July 1978) and which contained the words: "whatever the historic origins, however, may be, the fact is that Drayton Common has I believe never within living memory been administered by anyone other than the Parish Council...".



In the absence of any claim by the Vicar of Stewkley or any other Church Authority to be concerned with this land, I consider that I ought to presume from Mr Smith-Cresswell's statement that something has happened that has made it lawful for the Parish Council to act alone without reference to the Rector or any of his successors. I am therefore satisfied on the evidence summarised above that the Parish Council are the owners of the land and I shall accordingly direct Buckinghamshire County Council as registration authority to register Drayton 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 13/7 — day of July — 1979

a. a. Baden Fuller

Commons Commissioner