



COMMONS REGISTRATION ACT 1965

Reference No 203/U/5

In the Matter of Gerrards Cross
Common, Gerrards Cross, Beaconsfield
District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of part ("the Referred Land") of the land ("the Unit Land") which is the greater part of that known as Gerrards Cross Common, Gerrards Cross, Beaconsfield District and which is the land comprised in the Land Section of Register Unit No CL. 100 in the Register of Common Land maintained by the Buckinghamshire County Council. The Referred Land is the part of the Unit Land 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 De Vere Hotels and Restaurants Limited ("the Company") claimed (their solicitors' letters of 19 December 1975 and 12 August 1977) ownership, Mr Colin Le Messurier of Lingside, 38 Gaviots Way said (letter dated 27 September 1977) that an estate plan of 1686 in the County Record Office gives some evidence of the alignment of the Oxford road at that date before the construction of the Turnpike road on the present line, and Beaconsfield District Council (letter dated 15 February 1978) said that there is in existence a scheme under the Commons Act 1899 which is managed by Gerrards Cross Parish Council. 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 8 March 1978. At the hearing (1) the Company were represented by Miss S Cameron of counsel instructed by Reynolds Porter Chamberlain & Co, Solicitors of London, (2) Mr Neil Valery Engert of Centre House, 41 Ravenswood Park, Northwood, attended in person as possibly claiming the south-east part of the Referred Land, (3) Mr Reginald Basil Baldwin who jointly with Mrs Anne Fullarton Baldwin is in the Ownership Section registered as the owner of the part of the Unit Land north of the London-Oxford (A40) road (that is of all the Unit Land except the Referred Land) attended in person.

The Unit Land contains (according to the Register) 77.9 acres and its registration in the Land Section was made on the application of Gerrards Cross Parish Council. The Referred Land is a strip about 150 yards long adjoining and on the southwest side of the A40 road, being about 30 yards wide at its northwest end (near the Bull Hotel) and tapering to about 3 yards wide at its southeast end.

Miss Cameron produced the Scheme relating to Gerrards Cross Common approved under the 1899 Act on 16 April 1920 by the Minister of Agriculture & Fisheries; the map shows the Referred Land to be outside the Scheme.



Mr G S Bennett, articled clerk with the Company's Solicitors produced conveyances relating to the Bull Hotel dated 15 November 1917, 6 December 1932, 31 May 1938, 10 August 1948, 21 November 1964 and 27 July 1970. He explained that the Company's claim was to part only ("the Northwest Part") of the Referred Land being the part northwest of the straight line obtained by producing in a northeasterly direction the southeast boundary as shown on the Register map (based on the OS map 1/2500) of OS No 152 (area 1.795 acres).

Mr Engert in the course of his oral evidence produced a copy of a deed made by Sir Geoffrey William Pennington-Ramsden by which there was assigned to him "ALL such right title and interest which I may have in the Lordship of the Manor of Bulstrode Temple Gerrards Cross in the County of Buckingham". He said (in effect) that the deed (it is undated) was made about 1968 and that his main interest in these proceedings was to secure that the Southeast Part (all the Unit Land less the Northwest Part) would continue to be registered as common land and would not become a car park for the neighbouring hotel.

Mr Le Messurier who is the chairman of the Chalfont St Peter and Gerrards Cross History Society produced a statement made by himself about the history of the Referred Land, a photograph of part of a manuscript survey of Temple Bulstrode estate of Lord Chancellor Jeffreys by John Fisher 1686 (the original on display at the County Record Office Aylesbury), a reproduction of part of the 1876 OS map (6") a tracing of the 1686 map with the present line of the Oxford road and the ancient Parish boundaries marked on it, and the 1960 OS map (6"). He said (stating the effect of his statement shortly): These maps show that in 1686 the Oxford road ran immediately in front of the Bull Hotel, down the hill roughly on the line of Main Drive, passed south of Rock Dell and joined the present line of the Oxford road near the present main gates of Bulstrode. The present Oxford road passes on a high artificial causeway over the steep valley northeast of Rock Dell. This must have been made after 1686 presumably by the Turnpike Trust. The relevant Turnpike Acts are dated 1721, 1751 and 1778. By 1784 the Oxford road was on its present alignment (map of Bulstrode Estate 1784 by F Dowland in the County Record Office).

As to the Northwest Part:-

The conveyances produced on behalf of the Company show that the whole of the Northwest Part together with the land on which the Bull Hotel now stands was regularly conveyed by Sir John Frecheville Ramsden (1932) to E Thorpe Limited, by them (1938) to Mr P A E Devine, Mrs P M M Devine and Mrs A Primrose, by them (1948) to Bull Hotel (Gerrards Cross) Limited, by them (1964) to Spiers & Pond Limited, and by them (1970) to the Company; there are plans on the 1932 and 1948 conveyances which clearly include the Northwest Part. The plan on the 1917 conveyance by Mr G Weller to Sir J F Ramsden, does not include a very small part at the southeast end of the Northwest Part, but this is explained by the conveyance itself not including some of the back land which was comprised in the later conveyances and which fronted on this small part.

The Company in support of their claim gave no evidence of actual possession, although it is implicit in what was said by Mr Engert and Mr Le Messurier that the Company and their predecessors were at least reputed to be in possession of the lands used for the Bull Hotel and used the Northwest Part to some extent for the purposes of their business.



Against this evidence which generally supports the claim of the Company, I have that of Mr Le Messurier about the realignment some time between 1686 and 1784 of the Oxford road. It is possible that when this realignment was made that nothing was done to change the ownership of the Northwest Part with the consequence (suggested by Mr Le Messurier in his statement) that it, like the major part of the common, being waste of the Manor of Chalfont St Peter, now belongs to the person who is now Lord of that Manor (he had been told that this Lordship is held by Mr R B Baldwin and his wife jointly).

In my opinion I must presume that the realignment of the Oxford road was lawfully made by those concerned making such conveyances and doing all such other things as would result in the present road being lawfully usable as a public highway as it now is. Although it is possible that none of these conveyances and things provided at all for the Northwest Part, it is I think more likely that at the time something was done to combine the ownership of the Northwest Part with that of the adjoining land on the same side of the newly aligned road.

Of the question of the present ownership of the Northwest Part, I must balance the evidence of the conveyances produced by the Company which support their claim against that of Mr Le Messurier which is to some extent against it. On balance, I consider the conveyances to be the more significant. I am therefore satisfied that the Company are the owners of the Northwest Part, and I shall accordingly direct Buckinghamshire County Council as registration authority to register De Vere Hotels and Restaurants Limited of 7 Queen Street, Mayfair, London W1 as the owners of the Northwest Part (to be defined in such direction by reference to this decision) under section 8(2) of the Act of 1965.

As to the Southeast Part:-

Mr Engert offered no evidence that it was part of or reputed to be part of the Manor of Bulstrode Temple; further, I do not regard the assignment to him by Sir G W Pennington-Ramsden as sufficient evidence of his title to the Manor.

As to Mr Le Messurier's suggestion that this land might now be waste of the Manor of Chalfont St Peter, I have no evidence as to how such Manor has devolved.

In my opinion, the evidence I have as to the ownership of the Southeast Part amounts to little or nothing, and I am therefore not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 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 15th day of March —

1978

a. a. Baldwin Fuller

Commons Commissioner