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COMMONS REGISTRATION ACT 1965

Reference Nos 203/D/46
203/D/47

In the Matter of Hawridge and
Cholesbury Commons, Cholesbury-cum-
St Leonards, Chiltern District, Buckinghamshire

DECISION

This dispute relates to the registrations at Entry No 1 in the Land Section and at Entry Nos 1 to 23 inclusive in the Rights Section of Register Unit No CL. 21 in the Register of Common Land maintained by the Buckinghamshire County Council and is occasioned by Objection No 10 made by Mr A T Langston and noted in the Register on 16 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Aylesbury on 22 June 1976. At the hearing Mr Alfred Thomas Langston was represented by Mrs B M James solicitor of Harrowell & Atkins Solicitors of Berkhamsted, and Buckinghamshire County Council were represented by Mr D M John their Assistant County Secretary and Solicitor.

The land ("the Unit Land") comprised in this Register Unit is made up of a number of pieces which with the separating roads together form a strip of land about $1\frac{1}{2}$ miles long from west to east, and of varying widths from north to south. The pieces together containing (according to the Register) about $105\frac{1}{2}$ acres, are north and south of the road between Cholesbury and Hawridge, extend to Braziersend House on the south and to Cholesbury Bottom on the north. The registration in the Land Section was made on the application of Mr J W Randall. In the Rights Section there are 23 Entries of rights to graze or herbage variously described; of these Entries 4 include a right of estovers, of turbary, to take timber for roof repairs, and to take tree loppings, etc or one or more of these rights. The grounds stated in the Objection are "As Owner in Title Absolute Plan attached". The plan shows a small piece of land ("the Objection Land") just within the north boundary of the Unit Land near to and west of Cholesbury Bottom, containing about 125 square yards or less.

Smeathmans Solicitors of Hemel Hempstead, acting for Mr Randall as Lord of the Manor with a letter dated 14 January 1976 enclosed an extract from the plan on the conveyance to their client which showed a small section of the land along the northern boundary which is uncoloured and which should (they said) have been excluded from the registration. The section so delineated is the same as the Objection Land.

At the hearing Mrs James produced the Land Certificate of Title No HD 3449 which shows that Mr Langston had on 9 January 1939 been registered with an absolute title to the piece of land which according to the plan annexed is nearly all along the north boundary of and outside the Unit Land, but which includes the Objection Land. Mr Langston said that the Objection Land is a little piece of



land fenced off from the Common, and quite clearly defined; it was
from the Common in 1939 when he bought, and he understood that it had
been like this for the last 100 years.

In the circumstances outlined above I conclude that the Objection Land should
not have been included in the Land Section. But for the Objection, the registrations
would as regards the rest of the Unit Land have become final under sections 5 and 7
of the 1965 Act, and I consider therefore that I should in this decision,
notwithstanding the absence of any evidence to support the registrations, produce
the same result.

For these reasons I confirm the registration in the Land Section with a modification
that the Objection Land be removed from the Register, and I shall in the notice I
give under section 6 of the Act to the County Council as registration authority
identify the Objection Land by reference to the plans sent by Harrowell & Atkins
to the Clerk of the Commons Commissioners with their letter dated 18 February
1976 (such plan being a copy of the relevant part of the Land Certificate plan
above referred to). And I confirm the Entries in the Rights Section without any
modification.

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 30th - day of June

1976

a a. Baden Fuller

Commons Commissioner