



COMMONS REGISTRATION ACT 1965

Reference No. 203/U/147

In the Matter of land at Loxborough Hill,
West Wycombe Rural, Wycombe District,
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 3.9 acres being at Loxborough Hill, West Wycombe Rural, Wycombe District and being the land comprised in the Land Section of Register Unit No CL. 299 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 Sir Francis Dashwood, Baronet, as Lord of the Manor of West Wycombe claimed (his Agent's letter of 14 September 1977) the land in question, and West Wycombe Rural Parish Council claimed (letter of 20 September 1977) ownership of the land; no other person claimed to be the freehold owner of the land 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 ~~9 March~~ 1979. At the hearing (1) Sir Francis John Vernon Hereward Dashwood, Baronet was represented by Mr M E Zorab, chartered surveyor of Smith-Woolley, Chartered Surveyors and Land Agents of Woodstock, and (2) West Wycombe Rural Parish Council were represented by Mr A J Plumridge one of their members.

Mr Zorab in the course of his evidence produced: (1) a map entitled "The Manor of West Wycombe in the County of Buckingham belonging to a framed copy of the Right Honble Francis Baron Le Despenser accurately surveyed by John Richardson...1767", (2) a photocopy of page 137 of volume 3 of the Victoria History of the County of Buckinghamshire which included a statement that the Manor and Parish were coterminous and that the Lordship was then vested in the Trustees on behalf of Sir John Lindsay Dashwood who succeeded to the title in 1908; (3) a copy of a conveyance dated 29 April 1925 by which Sir John Lindsay Dashwood conveyed to the West Wycombe Estate Company "all the waste lands of the Manor of West Wycombe...delineated on the said plan and thereon coloured yellow", (4) a copy of a conveyance dated 7 July 1955 by which West Wycombe Estate Company conveyed to Francis John Vernon Hereward Dashwood "all those freehold lands...on the said plan coloured...yellow"; and (5) a certified copy of a conveyance dated 5 September 1974 by which the Manor or Lordship of West Wycombe was conveyed by the personal representatives of the late Sir John Lindsay Dashwood to Sir Francis Dashwood.

The land comprised in this Register Unit appears on the 1767 map as part of a much larger area apparently belonging to the Lord of the Manor, and on the 1925 and 1955 conveyance plans as being included in the lands thereby conveyed. Mr Zorab said that his firm had been appointed as managing agents for the West Wycombe Estate on 1 April 1971 (it had been previously managed by Major R S Long as Resident Land Agent); both Sir Francis Dashwood and his father Sir John through the years had exercised acts of ownership on the lands within the Manor and the land comprised in this Register Unit lies within both the Parish and Manorial boundaries.



Mr Plumridge said that the Parish Council could not then offer any evidence of ownership and he had never seen any documents which supported that claim. However he was not happy about the ownership claim made on behalf of Sir Francis Dashwood; none of the Parish Council had, as I understood Mr Plumridge, before the hearing any knowledge of this claim.

The circumstance that the Parish Council do not now claim ownership, does not deprive them of any interest in or concern with the ownership claims of other persons, because as long as no person is registered under the 1965 Act as owner, the land will be subject to protection under Section 9; and this section confers on the Parish Council rights which may be of some value to them.

After some discussion, in the course of which Mr Zorab on behalf of Sir Francis Dashwood in effect offered to arrange for the production to the Parish Council of the originals of all the documents which he had produced copies, I said I would treat the proceedings as adjourned if the Parish Council within 2 months requested a further hearing, but that if I received no such request, I would give my decision on the evidence of Mr Zorab.

I received no such request. On the evidence of Mr Zorab summarised above I am satisfied that Sir Francis Dashwood is the owner of the land and I shall accordingly direct Buckinghamshire County Council as registration authority to register Sir Francis John Vernon Hereward Dashwood, Baronet of West Wycombe Park, High Wycombe, Bucks as the owner 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 30th day of June — 1979

C. A. Barber Fuller

Commons Commissioner