



In the Matter of Part of Penn Street Common,  
Penn, Bucks

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DECISION

This reference relates to the question of the ownership of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL 199 in the Register of Common Land maintained by the Bucks 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 Earl Howe and Penn Parish Council each claimed to be the freehold owner of the land in question ("the Register Unit") 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 21 February 1979.

At the hearing Mr P H Maitland, Solicitor, of the firm of Trower Still and Keeling appeared on behalf of Earl Howe and the Parish Council was represented by its clerk, Mr D B Chappell.

Mr Chappell offered no evidence in support of the Parish Council's claim.

The Register Unit consists of three small areas, the largest of which is mainly a pond. This Mr Maitland did not claim and in the absence of any other claimant with satisfactory evidence of ownership, it will remain subject to protection under section 9 of the Act of 1965. As to the two smaller areas, ownership of which is claimed on behalf of Earl Howe, in my decision in Re Penn Street Common (Reference No. 203/U/66) I refer to his documentary title, to the problem of identification of the Register Unit and to Mr Maitland's general submission. Precise identification of these two areas on the plans relevant to the documentary title is not easy, but they appear to me to be included in the 1957 Deed and I shall direct the Bucks County Council to register Earl Howe as the owner 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

5<sup>th</sup> July

1979

*L. J. Morris Smith*

Commons Commissioner