



Commons

315

COMMONS REGISTRATION ACT 1965

Reference Nos 3/D/36
3/D/37

In the Matter of The Nob, Cublington,
Aylesbury Vale District, Buckinghamshire

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section of Register Unit (1) No VG. 37 and (2) No CL. 102 in the Register of (1) Town or Village Greens and (2) Common Land maintained by the Buckinghamshire County Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the dispute at Aylesbury on 23 June 1976. The hearing was not attended by any person entitled to be heard.

The land comprised in these Register Units contain according to the Register 0.09 of an acre. Both registrations were made on the application of Cublington Parish Council. After the hearing I inspected the land. It is triangular, at a road junction at the west end of High Street, where Ridings Way (a side road) leaves Whitchurch Road. It is grass land open to the road, having on it a lamp post and a tree (apparently recently planted and not, so it seemed to me, doing well).

Under the 1965 Act, I can refuse to confirm both registrations or I can confirm one (but not both) of them. It is possible that on this land (bearing in mind its situation in relation to other open land in the vicinity) the inhabitants of the locality have a customary right to indulge in sports and pastimes and that it is therefore within the definition of a town or village green in section 22 of the Act. In the absence of evidence I consider I should confirm the Village Green registration because of the two courses open to me this seems to me to be the one most likely to benefit the locality.

For these reasons I refuse to confirm the said registration in the Register of Common Land and I confirm the said registration in the Register of Town or Village Greens 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