



COMMONS REGISTRATION ACT 1965

Reference Nos 203/D/73
203/D/74

In the Matter of the unenclosed
portions of Great Common Taplow,
Beaconsfield District, Buckinghamshire

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section of Register Unit No CL. 297 in the Register of Common Land maintained by the Buckinghamshire County Council and at Entry No 1 in the Land Section of Register Unit No VG. 47 in the Register of Town or Village Greens maintained by the said Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Aylesbury on 8 March 1978. At the hearing Taplow Parish Council on whose application the VG registration was made, were represented by Mr T M Balfe their clerk, and Buckinghamshire County Council as registration authority (the CL. 297 registration was made by them without application) were represented by Mr C D Durrant senior administrative officer in the County Secretary and Solicitor's Department.

The land ("the Unit Land") comprised in the CL. 297 registration is the same as that comprised in the VG. 47 registration. It contains (according to the Register) about 6.4 acres, and is made up of roadside verges of varying width between about 3 feet and 30 feet, and extending for about 1 mile south of Noblemen's Corner on one or both sides of Cliveden Road (B 476), including Taplow Common Road (B 3026). To the application for the VG. 47 registration is annexed a copy of a "Plan of Taplow Lodge Estate 1874" and a statutory declaration made on 7 March 1968 by Major G C Bond (then more than 90 years old). Before the hearing Mr Balfe (with a letter dated 23 February 1978) sent to the Clerk of the Commons Commissioners some extracts from the Taplow Inclosure Award and some notes about the Unit Land. In his letter, and at the hearing Mr Balfe asked that the VG. 47 registration might be withdrawn and that the CL. 297 registration might be pursued.

Mr Durrant said that the CL. 297 registration had been made because at that time there was some uncertainty as to whether this land was common land or town or village green. He produced from the County Archives the Taplow Inclosure Award dated 26 November 1787; on the map annexed Great Common is shown as a large area which at its edges includes the Unit Land, apparently all intended to remain unenclosed. The 1874 map shows Great Common except the Unit Land as ~~having been~~ ^{having been} then enclosed. Neither Mr Balfe nor Mr Durrant could give any explanation as to how this inclosure came to be made, but they contended that Great Common so far as it ~~was~~ still unenclosed is properly registrable as common land.



In the above circumstances, Mr Balfe and Mr Durrant being agreeable, I refused to confirm the VG. 47 registration, and I confirm the CL. 297 registration 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 13th day of March — 1978

a. a. Barber Fuller

Commons Commissioner