



COMMONS REGISTRATION ACT 1965

Reference Nos 209/U/10
209/U/11

In the Matter of (1) Marchants
Cross Green, and (2) Meavy Green,
Burrator, West Devon District,
Devon-

DECISION

These references relate to the question of the ownership of land known as (1) Marchants Cross Green and (2) Meavy Green, Burrator, West Devon District being the land comprised in the Land Section of Register Unit (1) No VG. 72 and (2) No VG. 73 in the Register of Town or Village Greens maintained by the Devon 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 these references no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Exeter on 16 November 1977. At the hearing Burrator Parish Council (being the Council of the grouped Parishes of Walkhampton, Meavy and Sheepstor) were represented by Mr D Walker one of their members.

Mr Walker said (in effect):- The VG. 72 land is some distance from Meavy Village; it provides access to an ancient ford across the River Meavy; it is in a natural state being soulder strewn; it is used by heavy vehicles who wish to avoid crossing the River by the high Meavy (stone) Bridge. The VG. 73 land (a triangular piece in the centre of the Village of Meavy near St Peter's Church) is edged by granite stone; it includes the Village War Memorial and a very ancient oak. Of neither of the lands could the Parish Council offer any evidence of legal ownership, and he was agreeable that I should proceed under subsection (3) of section 6 of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the lands, and I shall accordingly direct the Devon County Council, as registration authority, to register Burrator Parish Council as the owner of the lands under section 6(3) of the said Act.

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 9th day of *December* —

1977

a. a. Barker

Commons Commissioner



which water is drawn for the churchyard, has been repaired and maintained by the Parish Council; it is not otherwise used. Over the years people from time to time leave agricultural implements on the land, but these have been removed after complaints. At one time one of the pieces was farmed with the adjoining land on the south; on this piece now stands the War Memorial; the tenant cut back the hedge so there is only a bank showing the boundary, and in the result this War Memorial piece is part of the rest of the registered land.

Mr E W Tebboth who is the clerk of the Parish Council said that in 1973 the Parish Council spent £212 clearing the Green of brambles and dead trees and in 1968 cleared the stream which runs through the land.

In the particular circumstances of this case, it may not matter whether I am satisfied as to the ownership now claimed by the Parish Council, because if I was not so satisfied, there being no evidence that any other person could be the owner, I would be required by subsection (3) of section 8 of the 1965 Act to direct the registration of the Parish Council as the owner. Although the ownership evidence summarised above is slight, I consider that I can from it conclude that for many years the land has been reputed to be Parish property which is now by operation of law owned by the Parish Council as successors of the Vestry. For this reason I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register Kentisbury Parish Council as the owner of the land under section 3(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 8th day of December _____ 1977

a. a. Basil Fells

Commons Commissioner