



COMMONS REGISTRATION ACT 1965

Reference No 209/U/27

In the Matter of Churchtown Green,
Parracombe, North Devon District,
Devon

DECISION

This reference relates to the question of the ownership of land known as Churchtown Green, Parracombe, North Devon District being the land comprised in the Land Section of Register Unit No VG. 95 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 this reference the Hon James and Mrs Lindsay by their solicitors, claimed the land as their property. No other person claimed to be the freehold owner of the land in question 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 Barnstaple on 15 November 1977. At the hearing the Hon James Louis Lindsay and his wife Mrs Bronwen Mary Lindsay were represented by Mr J E Pitts-Tucker solicitor of Pitts Tuckers Solicitors of Barnstaple. Present also was Mr R Pearson assistant solicitor with North Devon District Council who said they were not directly concerned.

Mr Pitts-Tucker in the course of his evidence produced: (1) a map dated September 1977 scale 1/500 showing the land south of The Church of St Petrock, Parracombe (2) a conveyance dated 16 July 1956 by which Miss A and Mr L W K Smith, as personal representatives of Miss C L M S DoWell (she died 15 March 1955) conveyed to Mr and Mrs Lindsay first fields at Parracombe numbered 416, 417 and part 442 on the OS map and the parts of 510, 441 and 428 south and west of the main road from Barnstaple to Lynton and "SECONDLY ALL THAT close of land known as Church Green Parracombe aforesaid TOGETHER with the ruined cottage and premises formerly known as Court Meadow Cottage in Parracombe aforesaid AND TOGETHER ALSO with the two Cottages situate on the Church Green adjoining the Old Church at Parracombe aforesaid...delineated on the plan annexed hereto...", (2) an abstract dated 1956 of the title of the personal representatives of Miss C L M S DoWell commencing with the will dated 30 April 1923 of Mrs S Dobell (she died 9 June 1929) and an assent dated 25 June 1941 in favour of Miss C L M S DoWell.

The land ("the Unit Land") comprised in this Register Unit was registered on the application of the Commons, Open Spaces and Footpaths Preservation Society, and the original registration comprised several pieces of land south of the Church and on either side of the road or lane which runs approximately east-west from the railway bridge over the disused railway (the bridge is connected with the Village of Parracombe on the west by a road, Church Lane), to the trunk road (Parracombe Bypass: A38). Of these pieces some were removed from the registration following objections —————>, so that the Unit Land (being what is left) now comprises (1) a piece ("the Northwest Piece") which is north of the said road or lane and which extends from the old railway cutting on the west to a point south of the Church on the east; (2) a piece ("the Northeast Piece") which is also north of