



In the Matter of Extension of Village  
Green, Lustleigh, Devon

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DECISION

This reference relates to the question of the ownership of the extension of the Village Green, Lustleigh, being the land comprised in the Land Section of Register Unit No. VG.97 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 Lustleigh Parish Council claimed to be the freehold owner of the land in question 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 Plymouth on 13 December 1984. At the hearing the Lustleigh Parish Council was represented by Mr P G Hewison, a former member.

By a Conveyance made 12 March 1928 between (1) William Wise and Hugh Stanley Wise (2) The Parish Council of Lustleigh there was conveyed to the Parish Council "all that piece of land now forming the Village Green of Lustleigh", which had been conveyed to Maria Elizabeth Wise by a Conveyance made 19 July 1900. According to a recital in the 1928 Conveyance, the land forming the parcels of the 1900 Conveyance was delineated on a plan drawn on the 1900 Conveyance, but neither that Conveyance nor a copy of it was produced to me.

The land the subject of the reference consists of six small areas described in the Land Section of the Register Unit as "part of the Village Green". On the Register Map these small areas are shown as around the perimeter of an uncoloured area in the centre of which there is a stone cross, and the legend on the map describes the land as "Ext. of Village Green".

On this evidence I am not satisfied that the six small areas the subject of the reference were included in the parcels of the 1928 Conveyance, so my proper course is to say that in the absence of any further evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register the Lustleigh Parish Council as the owner of the land under section 8 (3) 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

25<sup>th</sup>

day of

January

1985

  
Chief Commons Commissioner