



COMMONS REGISTRATION ACT 1965

Reference No 209/U/15

In the Matter of the Village Green,
Sutcombe, Torridge District, Devon

DECISION

This reference relates to the question of the ownership of land known as the Village Green, Sutcombe, Torridge District being the land comprised in the Land Section of Register Unit No VG. 79 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 no person claimed to be the freehold owner of the land in question and no 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 Barnstaple on 15 November 1977. At the hearing Sutcombe Parish Council were represented by Mr H G Ley their chairman and Mr W G Furze one of their members.

Mr Ley who has lived in the Parish for the last 23 years, been a member of the Parish Council for about 16 years and their chairman for about 7 years, in the course of his evidence produced the Parish Council Minute Books from 1945 to 1972, and from 1973 to date, and the Parish Council Account Book from 1896 to date. He described the land ("the Unit Land") comprised in this Register Unit: it is in the Top Village (Sutcombe Town: the Lower Village, the Mill, is to the south). The Unit Land (according to the Register map it is between $\frac{1}{4}$ and $\frac{1}{2}$ of an acre) is a little to the east of the principal road through the Village, St Andrews Church being in between.

The Books produced show: In February 1945 there were negotiations between the Parish Council and the Church Council as a result of which the garden of an old dwelling was brought into the Churchyard, and the Churchyard wall set back (so as to enlarge the Green). In 1973 certain obstructions on the Green were removed at the request of the Parish Council. From 1951 to 1970 the Parish Council annually received a rent of 1/- for a clothes line across the Green.

Mr Furze who has lived in the Parish all his life (63 years) and been a member of the Parish Council for the last 30 years said that the Unit Land has always been reputed to be Parish property. In the circumstances of this case it may not matter whether I am satisfied as to the ownership claim now being made by the Parish Council, because if I am not so satisfied, there being no evidence that anyone else could be the owner, I am by subsection (3) of section 8 of the 1965 Act required to direct the registration of the Parish Council as owner. Notwithstanding that the evidence of ownership as above summarised is slight,