



COMMONS REGISTRATION ACT 1965

Reference No 209/U/18

In the Matter of the Village Greens,
Brendon, North Devon District, Devon

DECISION

This reference relates to the question of the ownership of land known as the Village Greens, Brendon, North Devon District being the land comprised in the Land Section of Register Unit No VG. 84 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 Brendon Parish Council were represented by Mr C R Floyd their chairman and Mr P E Garbe their clerk.

Mr Floyd who has lived in the Parish all his life (46 years), described the land. It is at Leeford south of the Bridge, and comprises two pieces each approximately triangular, situated by a road junction. Recently a wall has been built nearby to keep the river from flooding the Village as it did in 1952. What was the mill pond (on the north side of the north piece) no longer carries water; in effect it has been dried out and bull-dozed into the back of the north piece.

Mr John Ernest Pitts-Tucker a solicitor of Bridge Chambers Barnstaple, volunteered to give evidence in the course of which he said (in effect):- The south piece is ^{or was} part of an estate (being the surrounding land) owned by Sir William Halliday. Mr Pitts-Tucker was concerned as one of the executors of Miss Halliday. He remembered on one occasion asking Sir William about a tree which was planted in Coronation Year on this piece; he said to him: "What about the tree?", and his reply was: "I did it; the Parish Council should have it (meaning that they should become the owners of the piece)".

Mr Floyd said that afterwards the British Legion put a seat on the piece, and that as to the other piece this provided public access to the River and to the stepping stones across it.

In my view the information provided by Mr Floyd and Mr Pitts-Tucker as summarised above, falls short of establishing that the Parish Council are the owners of either of these two pieces of land within the meaning of the word "owner" as defined in section 22 of the 1965 Act. In the absence of any evidence that any other person could be the owner, I am not satisfied that any person is the owner