



COMMONS REGISTRATION ACT 1965

Reference No. 210/D/430-432

In the Matter of the Tract of about 3.35 acres called
'The Green' in the Parish of Bloxworth, Dorset

DECISION

This dispute relates to the registration at Entry No. 7 in the Land Section of Register Unit No. CL 8 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 304 made by P G MacDonald Smith, Jean E MacDonald Smith and A L Gravenor and by Objection No. 462 made by the Dorset County Council, both noted in the Register on 1 June 1971 and the conflicting registration at Entry No. 53 in the Land Section of Register Unit No. VG 53 in the Register of Town and Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 25 June 1980. The hearing was attended by Mr R C W Gooch of Thomas Coombs and Son, Solicitors of Dorchester appeared for the Executors of the late Lt. Col P G C Lane, Bloxworth Parish Meeting and Bere Regis Parish Council. The original application had been lost, but the Register showed that it had been made in 1967 by Lt. Col. Lane as Chairman of Bloxworth Parish Meeting. Mrs Ruth Colyer appeared for the Ramblers' Association which had also made an application in 1970. Mr F L Davis had also made an application in 1969, but did not appear.

Miss Cameron instructed by Messrs Victor Mishcon and Company, Solicitors of London appeared for Mr P G and Mrs J E MacDonald Smith and Mr A L Gravenor who were objectors in respect of almost 90% of the area of the unit. The County Council had lodged an objection to exclude a 6ft wide strip along two thirds of the south-eastern boundary of the unit as being part of the highway.

There was also a conflicting registration VG 53 in the Register of Town and Village Greens as a result of an application in 1969 which included the whole area of Unit No. CL 8.

On 19 June 1980 Mr Gooch's firm had written to the Commons Commission on behalf of his clients stating that his clients were prepared to concede all the provisional objections to the provisional registrations of CL 8 and VG 53, on the basis that any land which did not form the subject of an objection would automatically have its registration confirmed at the hearing and that in so far as the provisional registrations CL 8 and VG 53 overlapped in area, the conflict should be resolved by excluding from Unit VG 53 any land comprised in Unit CL 8.

In the time available, it was not possible to obtain all the signatures necessary to enable me to give a decision in accordance with paragraph 31 of the Commons Commissioners Regulations 1971 and I therefore treated the dispute as still outstanding.



Having heard submissions from Mrs Collier and Miss Cameron and the evidence of Mr MacDonald Smith I am satisfied that the objections are valid.

For these reasons I confirm the registration with the following modifications: the exclusion of the land shown edged red on the plan annexed to Objection No. 304 and the land shown coloured pink on the plan attached to Objection No. 462.

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 *2nd* day of *October* 1980

Henry Herbert

Commons Commissioner