



COMMONS REGISTRATION ACT 1965

Reference No.10/D/24

In the Matter of The Triangle,
Wool, Dorset.

DECISION

This dispute relates to the registration at Entry No.12 in the Land Section of Register Unit No.V.G.12 in the Register of Town or Village Greens maintained by the Dorset County Council and is occasioned by Objection No.93 made by the County Council and noted in the Register on 7th October 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 27th February 1973. The hearing was attended by Mr.E.F.Le Quesne, the Chairman of the Wool Parish Council, which applied for the registration and by Mr. W.N. Taylor, Assistant County Solicitor.

The land the subject of this reference is a triangular piece of rough grass with a telephone call box, a seat, and a post box on it situate at the junction of two roads. These roads are the public carriage roads numbered 1 and 9 set out and appointed by the Winfrith Newburgh and Wool Inclosure Award dated 24th April 1839. On the map annexed to the award the whole of the area at the junction of the two roads is coloured brown in the same way as the remainder of the roads. Evidence was given by Mr. C.A.E. Treasure, an Assistant Divisional Surveyor of the County Roads and Bridges Department since 1961, that the land in question has been maintained and the grass on it mown by his divisional labour force as part of the general road maintenance.

Mr. C.E. Hyde, who has lived in Wool all his life, as did his father, before him, said that before there was a playing field in Wool children used to play on the land, as they still do to some extent.

I have come to the conclusion that the land in question formed part of the highways set out in 1839 and that there has been nothing since to deprive it of its status as highway land. On the other hand, land is not excluded from the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965 merely by being part of a highway. It does not, however, seem to me that Mr. Hyde's evidence is sufficient to show that the children who played on this land were doing so as of right, which is an essential element in all the limbs of the definition of "town or village green". This land appears to be highway waste on which children have played for no better reason than that it is there.

For these reasons I refuse to confirm the registration.

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 22nd day of March 1973


Chief Commons Commissioner