



COMMONS REGISTRATION ACT 1965

Reference No 213/D/77

In the Matter of Five Pieces of
Land, Frampton-on-Severn,
Stroud D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 256 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No OB 507 made by Gloucestershire County Council and noted in the Register on 29 December 1972.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 11 October 1977. The hearing was attended by Mr G Limbrick Senior Legal Executive to the Gloucestershire County Council who appeared on behalf of his Council and Mr Penley of Messrs Penley Milward and Penley who appeared for Mrs Clifford who is the undisputed owner of the land in question, and who registered the land as Common Land. Bunton

The land in question consists of five separate plots four of which appear from the Ordnance Survey map to be grass islands in the middle of a road. The remaining plot adjoins the access to the church, and is part of the site on which the Village War Memorial is situated.

Mrs Clifford's husband was present at the hearing and he accepted that the public were entitled to pass and repass over the four island sites and that Mrs Clifford did not contend that she was entitled to prevent members of the public from so doing. Mrs Clifford's concern was to maintain these island sites as they are currently being maintained by the inhabitants and to prevent their use as car parks. Mrs Clifford is the undisputed owner of all the land in question. In the light of the admission that the public has the right to pass and repass the island sites I have come to the conclusion that they are parts of a highway and are therefore by virtue of the definition in section 22(1) of the Act of 1965 incapable of being registered as Common Land. As regards the land adjoining the War Memorial Mr Penley did not press me to confirm the registration of this small piece of land. The remainder of the War Memorial site is owned by the Parish Council and it is possible that Mrs Clifford may convey this small parcel of land to the Parish Council which will then be well placed to protect the whole War Memorial site.

For these reasons I refuse to confirm the registration and it is unnecessary for me to consider what if any rights the County Council as the Highway Authority has over the land in question.

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 17th day of March

1978

Y. A. Little
Commons Commissioner