



COMMONS REGISTRATION ACT 1965

Reference No.13/D/1

In the Matter of Ganders Green,
Huntley, East Dean R.D.,
Gloucestershire

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No.C.L.26 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No.117 made by Mr. Eric A. A. Harding and noted in the Register on 19 December 1970.

All the persons entitled to be heard at the hearing of this dispute have agreed upon the terms of the decision to be given by me and have sent to the Clerk of the Commons Commissioners particulars of such terms signed by or on behalf of all such persons, which terms are that the Commons Commissioner do refuse to confirm the registration of the land as common land but do confirm the registration as amended by allowing the Objection above mentioned in respect of a part of the land, as common land. The said Objection (as appears from the copy sent to the Clerk of the Commons Commissioner by the County Council) relates to the part of the land comprised in this Register Unit which is coloured red on the plan attached thereto.

I am willing to give a decision in accordance with the proposed terms and I accordingly confirm the registration with the following modification:- The land coloured red on the plan attached to the said Objection to be removed from the Register.

Dated this 16th day of November 1972.

a. a. Baden Fuller.

Commons Commissioner



to him (for nearly 50 years it had been used very generally by the inhabitants of the village including himself) it must have been obvious that difficulties were likely to arise if he proceeded to develop it as he subsequently did. The "ownership" mentioned in the grounds of objection was not in fact disputed. It seems to be therefore the grounds of objection put forward by the Objectors did not call for any immediate reconsideration by the Applicants for registration of their applications.

By sub-section (6) of section 5 of the 1965 Act, on the 17th December 1971, the Registration Authority became obliged to refer these disputes to a Commons Commissioner and thereafter a hearing was unavoidable unless each objector, all the applicants for registration and all the local authorities concerned agreed terms, see regulations 6 and 31 of the Commons Commissioners Regulations 1971. I had no evidence as to any negotiations, discussions or correspondence between those acting on behalf of the Objectors, and those whose consents would have been necessary for a consent order under regulation 31. As against any of the Applicants, I cannot I think conclude that the failure to submit to the Office of the Commons Commissioners an application for such a consent order was the fault of any or all of the Applicants rather than the fault of the Objectors. From what happened at the hearing, I think it unlikely that Mr. Hale and Mr. Warren would have agreed to withdraw their applications merely because the Parish Council and Mr. E.J. Huggins had done so.

In my view it was in the public interest that the status of the Larger Piece should be the subject of a public inquiry. The Objectors have gained something from the Act of 1965 as a result of my decision, in that their title will not be disputable on any of the grounds put forward at the hearing.

Having regard to the considerations outlined above, and having considered as best I can all the information given to me at the hearing, I do not think fit to make any order as to the costs of these proceedings. In case the Objectors need leave to appeal from this part of my decision, I give leave.

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 the

9th

day of

February

1973

a. a. Baden Fuller.

Commons Commissioner