



COMMONS REGISTRATION ACT 1965

Reference No. 213/D/3

In the Matter of Piece of Land fronting
Culvert Cottage, Painswick, Stroud D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL. 144 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No. OB 172 made by Mr A A Jones and noted in the Register on 21 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 19 February 1976. The hearing was attended by Mr D J Ritchie, counsel, instructed by Messrs Roche Son & Neale on behalf of Mr & Mrs Peacock, the successors to Mr A A Jones, and by Mr M A M Smith of Messrs Vowles Jessop & Keen on behalf of the Painswick Parish Council which registered the land as common land.

Much of the hearing was devoted to the question as to whether or not Mr & Mrs Peacock had a prescriptive title to the land in question, but this was not the dispute raised by the Reference, namely whether or not the land was common land. No common rights over the land in question were claimed in the rights section of the Register and the land could therefore only be common land if it was waste of a manor. Had it been necessary I would have granted an adjournment to enable the Parish Council to contend that the land was waste of a manor, but in view of the fact that the land was of no use to the Parish Council and might involve the Council in expense I suggested that the Council might wish to consider withdrawing its application. This the Council have done and by a letter dated 31 March 1976 addressed to the Commons Commissioners they have withdrawn their application, at the same time expressing the wish that the land will be retained in its present open condition.

For this reason I refuse to confirm the Entry No. 1 in the Land Section of the Register, and it is therefore not necessary for me to express any view as to the ownership of the land.

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 23rd day of April

1976

C. A. Settle

Commons Commissioner