



COMMONS REGISTRATION ACT 1965

Reference Nos. 13/U/1  
13/U/2

In the Matters of Stoney Pool and  
Falcon Green both in Poulton,  
Cirencester R.D., Gloucestershire

DECISION

These references relate to the question of the ownership of land known as (reference U/1) Stoney Pool and (reference U/2) Falcon Green both in Poulton, Cirencester Rural District being the land comprised in the Land Section of Register Unit Nos. C.L.102 and C.L.103 respectively in the Register of Common Land maintained by the Gloucestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the land at Gloucester on 21 November 1972. At the hearings, Poulton Parish Council ("the Council") were represented by Mr. W. E. Johncey who is 52 years of age, has lived in the Village since 1924, and is and has for the last five years been chairman of the Council and for much longer been a member. These hearings were held consecutively. Mr. Johncey gave evidence at both hearings.

Unit C.L.102 is a piece of land in or near the centre of the Village having an area of 0.16 of an acre and situated on the south east side of the road (A.417) from Fairford through the Village to Cirencester. When Mr. Johncey first knew it, on its south east corner at a level lower than the rest there was a pool ("the Pool") fed by a spring and protected by a railing; the water flowed away along a ditch to the near by brook; at that time the Villagers used to let down buckets into the Pool to get water. A water main was first laid in the Village in about 1926; a new main was laid in about 1947 through the whole Village. In about 1934, the water in the Pool was lost because, so it was said, a bore hole was sunk some way away; but up to then, the Pool was used as a water supply.

Unit C.L.102 has always appeared to be public land. On its road side it is unfenced and on the same level as the road. On its other three sides it is surrounded by a Thorn hedge, made more impenetrable by brambles growing near by. Mr. Johncey said everybody understood it to be parish land; nobody has suggested it was otherwise. About 5 years ago, the Council arranged for the depression where the Pool had been, to be filled up with soil, so as to level the land. Three or four years ago, the Rural District Council asked the permission of the Parish Council to adapt part of this Unit as a pull in (lay by) for cars coming to the near by Pumping Station. Recently the Council effectively stopped rubbish being dumped on this Unit by putting up notices on the Church door, at a near by garage and in two local shops asking persons to refrain from doing this. Neither following these notices nor at any other time has the owner of any adjoining property (in particular the owner of the house known as the Manor House) or any other person made any claim to this Unit.

In the above circumstances, the Council can I think properly be regarded as being now in possession of this Unit C.L.102 in circumstances in which it is



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practically certain that such possession will not be disturbed; either because the land had for a long time been vested in the Council or its predecessors being the proper officers of the Parish for holding land on behalf of the Parish or because the rights of the true owner of the land have been extinguished by the Limitation Act 1939. Possession in such circumstances is equivalent to ownership.

Unit C.L.103 is a small triangular piece of land at a point situated at a point near the centre of the Village where the main road (A.417) takes a right angle turn and is joined by Cricklade Street. It is completely surrounded by, and a little above the level of, the metalled carriage way. Mr. Johncey remembers as a boy a copper beech in the middle; this was some years ago cut down as being too large and replaced by a beech which is still growing there. Apart from this tree, this Unit is grass land and is a pleasant amenity in the Village.

Mr. Johncey said of this Unit C.L.103, everybody understood it to be parish land and it has never been suggested otherwise. The Council have always arranged for the grass to be cut, up to recently about once or twice a year, but now, following representations made by the Womens Institute, monthly. The work is done by the groundsman employed part time by the Council at their near by village recreation ground. Nobody has ever made a claim to this land. In the above circumstances, the Council can I think properly be regarded as being in possession of this Unit C.L.103 and that such possession, for the same reasons as are stated above the reference to Unit C.L.102, is equivalent to ownership.

For these reasons I am satisfied that the Council is the owner of the land comprised in both these Units, and I shall accordingly direct the Gloucestershire County Council as registration authority to register Poulton Parish Council as the owner of the land under section 8(2) of the Act of 1965.

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 1st day of December 1972.

a. a. Baden Fuller

Commons Commissioner