



In the Matter of The Green, The Old Green
and Smithy Gardens Broadwell Cotswold D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No.VG.77 in the Register of Town or Village Greens maintained by the Gloucestershire County Council and is occasioned by Objection No. 260 made by Broadwell Parish Council and noted in the Register on 23 October 1972 Objection No. OB371 made by Lloyds Bank Ltd noted on the Register on 23 October 1972. Objection No. OB441 made by G N Larkin noted in the Register on 23 October 1972 and Objection No. OB500 made by I M Hume and noted on the Register on 23 October 1972.

I held a hearing for the purpose of inquiring into the dispute at Cheltenham on 8 February 1978. The hearing was attended by Mr B A Kenyon of Messrs. Francis Wickins and Hill on behalf of Broadwell Parish Council, Mr G N Larkins in person.

This Unit comprises four parcels of land of an aggregate area of 2.15 acres. The largest piece OS Nos 132 of 1.698 acres was conveyed to the Parish Council on 24 October 1952 and notwithstanding that the land was conveyed for the purpose of a recreation ground Mr Kenyon conceded that it was not a village green as defined in the Act of 1965. The remaining land comprising three plots are of an aggregate area of 0.552 of an acre. A small part has been let by the Parish Council to the Fox Inn as a car park. A course of action inconsistent with that part of the land being a village green. Part of the land is or was a Smithy and Mr Hume claims a small plot adjoining the Smithy as an allotment belonging to two cottages owned by him. What is left of the Unit Land is a very small area which Mr Larkins said was an open space enjoyed by the inhabitants and his anxiety was that it should continue to be so enjoyed. This small piece of land is owned by the Parish Council who will no doubt have regard to the wishes of the majority of the parishioners as regards its future use, but I am satisfied that no part of the land in question is a village green as defined by the Act of 1965 and no useful purpose will be served by allowing a very small part of the land to remain on the Register with the status of a village green.

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 23rd day of ^{March} February 1978

T. A. Little
Commons Commissioner