



COMMONS REGISTRATION ACT 1965  
DECISION (UNCLAIMED LAND)

Reference No 213/U/52

In the Matter of Three Village Greens  
Frampton Mansell Sapperton Cotswold D

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DECISION

This reference relates to the question of the ownership of land known as Three Village Greens, Frampton Mansell Sapperton Cotswold D being the land comprised in the Land Section of Register Unit No VG 181 in the Register of Town or Village Greens 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 one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cheltenham on 9 February 1978. Vice admiral Sir Ian Campbell Chairman of the Sapperton Parish Council appeared for that Council. Mr P A Harris appeared for the Gloucestershire County Council and Mr A J Drake appeared for the Ramblers association who registered the land as a village green.

Two of these so called village greens are triangular plots at road junctions and the third is a steep grassy bank at the junction of two roads. So steep that in the interest of safety the County Council have placed on the land a rail on the top of the bank adjoining the top road.

It is clear beyond doubt that the Unit Land should never have been registered as a village green, indeed the County Council did object to that registration because it claimed ownership of the <sup>two</sup> triangular pieces as highway authority but it withdrew the objection because it did not claim or wish to claim the steep bank. The total area of the land is 0.203 of an acre. The County Council is now content that I shall register it as Highway Authority as the owner of the two triangular pieces of land.

The steep bank has on it some chestnut trees which have outlived their natural span and are thought to be dangerous and may therefore in the interests of safety involve either the County Council or the owner of the land in expense and for this reason the Parish Council does not wish to be registered as the owner. The Registration in the Land Section being final Section 8(3) of the Act of 1965 is mandatory and leaves me no alternative but to register Sapperton Parish Council as the owner of the steep bank. I accept that this unfortunate result could have been avoided if the Parish Council had objected to the Entry in the Land Section but its failure so to do may have been attributable to its not having appreciated that the County Council withdrew its objection.



However I feel compelled to point out that this unfortunate situation would never have arisen if the Ramblers Association had not made the Entry in the Land Section. It should have been clear to Mr Drake that the land is not a village green as defined by the Act of 1965 and in any event the rights over a village green whatever they may be are the rights of the inhabitants of the locality and not public rights. It is in my view a matter for the inhabitants of a village or the Parish Council to decide whether or not to claim any land is a village green and not for some national organisation to seek to impose on the parish land which they do not wish to own. I was given to understand that Mr Drake had been in communication with Vice Admiral Sir Ian Campbell and it is difficult to understand why even at the hearing before me he sought to justify the registration.

On this evidence I am satisfied that Gloucestershire County Council is the owner as Highway Authority of the two triangular pieces of land and I shall accordingly direct the Gloucestershire County Council to register itself as highway authority as the owner of those two pieces under Section 8(2) of the Act of 1965 and in the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register Sapperton Parish Council as the owner the remainder of the land under section 8(3) of the Act 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 17<sup>th</sup> day of February 1978

C A. Settle

~~Chief~~ Commons Commissioner