



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/126

In the Matter of a triangular piece of land
south of Phoenix Inn, Hartley Wintney, Hart D.,
Hampshire

DECISION

This reference relates to the question of the ownership of a triangular piece of land of about 0.05 acres south of Phoenix Inn, Hartley Wintney, Hart District being the land comprised in the Land Section of Register Unit No. CL.124. in the Register of Common Land maintained by the Hampshire 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 a hearing for the purpose of inquiring into the question of the ownership of the land at Winchester on 17 October 1974.

At the hearing Hartley Wintney District Council were represented by Mr M.W. Wallis, assistant director in their administration and legal department.

Mr Wallis said (in effect):- He had examined various deeds held by the Council, and this land is not within any of them. The Council did not claim ownership and could not offer any evidence of ownership; they would be interested to know whether there was any claim of ownership; they did not themselves wish to be owners.

Being curious about this unwanted piece of land, I inspected it. It is (if I correctly identified it) bounded on its two longer sides, on the east by an open mesh wire fence which separates it from a recently developed building estate, and on the west by a ditch beyond which there is a narrow strip of woodland scrub and ~~beyond again~~ the A30 road, and bounded on its shorter side on the north by a high close boarded fence. It is grass land with two (apparently recently planted) trees. With some difficulty I gained access by walking across a steep bank where the water from the ditch flowed into a pipe.

This land is by section 10 of the 1965 Act conclusively deemed to be common land; nevertheless, I cannot imagine how it, as it now is, could with advantage be used or enjoyed by anyone. I am not surprised that the Council do not want it. Nevertheless it has been registered under the Act; so I record, as I am required by the Act to do, that in the absence of evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 of the Act.



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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 28th day of November 1974

a. a. Baden Fuller

Commons Commissioner