



COMMONS REGISTRATION ACT 1965

Reference No. 214/U/79

In the Matter of part of Odiham Common, Odiham

DECISION

This reference relates to the question of the ownership of about 0.431 acres of land part of Odiham Common being the land comprised in the Land Section of Register Unit No. CL.192 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 (1) Ian John Liddle and Linda Liddle and (2) Gordon Gregory McLean and Maureen Ann McLean claimed to be the freehold owners of parts of the land in question and no other 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 26th April 1990.

The hearing was attended by Mrs Rose of Hampshire County Council (the Registration Authority), Mrs J Markham, Clerk of Odiham Parish Council, Mr C Riley, Chairman of that Council, Mr J Quarell, a member of that Council, Mr G G McLean, Mr I J Liddle and Mrs Linda Liddle.

This very small piece of Odiham Common was registered as common land in consequence of a rights application. There are three subsisting entries in the Rights Section of the Register relating to the grazing of horses, cows, sheep, pigs and various other rights. There are no entries in the ownership section of the Register.

There was a previous ownership inquiry before a Commons Commissioner relating to this Register Unit and another minute piece of Odiham Common registered as CL.193 on 16 October 1974. In his Decision dated 16th December 1974 Mr Commissioner Baden Fuller was not satisfied that any person was the owner of the land and it therefore remained subject to protection under section 9 of the Act of 1965.

The register unit lies on the east side of the Potbridge Road. Both sets of claimants reside in houses on the west side of the road, opposite the unit land. Mr and Mrs Liddle's house is known as Green Gates; Mr and Mrs McLean's as Woodside.

Mr Liddle produced to me certified copies of various documents including:-

- (1) A Conveyance dated 4th September 1987 between (1) ^{Percy} George Collis and (2) Mr and Mrs Liddle
- (2) An Assent by Percy George Collis dated 29th September 1951 in favour of himself, Gertrude Jane Smith and Henry Charles John Collis.

Mr McLean submitted copies of the following:-

- (1) A Conveyance dated 29th July 1980 between (1) Frank Albert Goodway and Margaret Anne Goodway and (2) Mr and Mrs McLean
- (2) A Conveyance dated 20th April 1978 between (1) Patrick Joseph Franklin Waghorn and Anna June Waghorn and (2) F A Goodway and M A Goodway



(3) A Conveyance dated 7th March 1977 between (1) Peter William Slocombe and Margaret Gillian Slocombe and (2) P J F Waghorn and O A J Waghorn

(4) A Conveyance dated 22nd October 1970 between (1) Harold James Kaye Butterworth and Margaret Winifred Butterworth and (2) P W Slocombe and M G Slocombe.

(5) A Conveyance dated 2nd December 1966 between (1) Frederick Charles Kent and (2) H J K Butterworth and M W Butterworth

The entirety of the unit land is less than half an acre, and having regard to the small scale of the Register Map it is impracticable to identify thereon the precise areas of the land claimed by the Liddles and the McLeans respectively. I inspected the original Register Map, but it did nothing to resolve the problem as this small parcel is divided thereon between two separate sheets.

McLean's

The ~~Liddles~~ claim is the clearer of the two. Going back to the Conveyance of 1966, there is included with the conveyance of the cottage known as Woodside (on the west side of the Odiham-Potbridge road) "a piece of garden ground with the erections thereon occupied with the said cottage situate on the east side of the road opposite to the land first described" and delineated on the plan thereto edged red. It seems to me that this description undoubtedly includes a strip of the unit land opposite Woodside and the dwellinghouse to the south of Woodside shown on the larger scale Ordnance map as Wykeham.

Liddles'

The ~~McLean's~~ claim is less clear. The Assent of 1951 comprised two cottages on the west side of the Odiham - Hartley Wintney Road and a "piece of land with the woodhouse and privy standing thereon..... containing .420 acres or thereabouts part of Number 125 on the Ordnance Survey". The Conveyance of 1987 to the Liddles is of a piece of land on the eastern side of the road having an area of .31 acres or thereabouts shown for identification only coloured pink on the plan annexed thereto (being the property described in the Assent "and therein wrongly referred to as having an area of .420 acres"). It also includes a further piece of land adjoining the pink land to the south-east and coloured green on the plan thereto, to which a possessory title only is made. It seems to me however that the land coloured green falls outside the Register Unit. On the other hand the land coloured pink undoubtedly includes a substantial part of the Register Unit.

Mr Riley on behalf of the Parish Council said that the Council opposed any erosion of common land, but had no information on the question of ownership. I confirmed that the unit land was finally registered as common land, and that my inquiry was limited to the question of ownership.

Mrs Rose on behalf of the County Council undertook to have a larger scale plan prepared based on the 1:2500 Ordnance Survey Map showing the parts of the unit land claimed by the McLeans and the Liddles respectively. Subsequent to the hearing the County Council submitted draft plans to Mr McLean and Mr Liddle. I queried whether there was any "no mans land" between the areas claimed by them respectively, but was informed that there is not.

I annex to this Decision the final version of the plan prepared by the County Council showing thereon the land claimed by the Liddles coloured blue and that claimed by the McLeans coloured pink.



On this evidence I am satisfied:-

- (1) That Mr and Mrs Liddle are the owners of the land shown coloured blue on the plan annexed hereto
- (2) That Mr and Mrs McLean are the owners of the land shown coloured pink on such plan.

I shall accordingly direct the Hampshire County Council as registration authority to register them respectively as the owners of these parts 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 2nd day of August 1990

Matth Rott

Commons Commissioner

Corrected pursuant to Regulation 33 of the Commons Commissioners Regulations 1971

Matth Rott

11th December 1990