



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/84

In the Matter of part of Yateley Common in
Hawley, Hart D., Hampshire

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which has an area of about 2.33 acres, which is in Hawley, between Parkhill Road and Frogmore Park Drive, which (although not in Yateley) is part of Yateley Common, which is the land comprised in the Land Section of Register Unit No. CL.48 in the Register of Common Land maintained by the Hampshire County Council and of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The Referred Part means the part of the land ("the Unit Land") comprised in this Register Unit which is not registered under the Land Registration Act 1925 to 1971 under title no. HP.17353.

Following upon the public notice of this reference (a) Mr G.C. Maslin (the chairman of Hawley Almshouse & Relief in Need Charity) explained (in effect) that the Unit Land used to be in the parish of Yateley and owned by the Parish Council, but when some few years ago the Hawley/Yateley Parish Boundary was adjusted so that the Unit Land passed into Hawley, the title remained with Yateley Parish Council; and (b) Yateley Parish Council claimed ownership. No other person claimed to be the freehold owner of the land in question or 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 15 October 1974. At the hearing Yateley Parish Council were represented by Mr B.D. Adams their clerk.

Mr Adams, who has resided in the Parish of Yateley for 6½ years, has been their clerk since December 1973 and before that for 3 years one of their members, in the course of his evidence produced a conveyance dated 6 July 1951 by which the Church Commissioners of England conveyed to the Parish Council all their estate and interest as Lords of the Manor of Crondall in waste lands known as Yateley Common comprising about 513 acres and Yateley Green and Frogmore Green comprising about 67 acres and more particularly delineated on the plan annexed and thereon coloured green. Mr Adams said (in effect):- The Unit Land is a strip of land leading off Yateley Common; there is a public footpath but no road along it; all around is built up land; nevertheless the footpath is a pleasant walk. About 10 years ago the parish boundaries were adjusted as stated above; afterwards Hawley Parish Council did some clearance, and Yateley Parish Council had (but not recently cut the grass). The land ("the HP.17353 land) which is registered under the Land Registration Act 1925 to 1971 with the said title no. and which is part of the Unit Land, is (as appears from the plan supplied by the Land Registry) a strip about



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130 yards long on the west side ^{and} within the northern part of the Unit Land; the Unit Land also includes a piece which is west of and which adjoins the HP.17353 land. Except for the HP.17353 land and the said piece west of it, Mr Adams identified the Unit Land with part (the most easterly part) of the land coloured green on the 1951 conveyance plan.

On the evidence outlined above I am satisfied that Yateley Parish Council are the owners of the Unit Land except as aforesaid, and I shall accordingly under section 8(2) of the 1965 Act direct Hampshire County Council as registration authority to register Yateley Parish Council as the owner of the land comprised in this Register Unit except the part registered under the Land Registration Acts 1925 to 1971 under Title no. HP.17353 and except also the land which is ~~west~~ east of and adjoins the said part. I am not satisfied as to the ownership of such last mentioned part and it will therefore remain subject to protection under section 9 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 26th —

day of March

1975

a. a. Baden Fuller

Commons Commissioner

Corrected by substituting "west" for "east" in line 11 of
page 2 of this decision

a. a. Baden Fuller

27 June 1975