



COMMONS REGISTRATION ACT 1965

Reference No.14/U/121

In the Matter of Upper Ashley Common,
Lyminster, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Upper Ashley Common, Lyminster, being the land comprised in the Land Section of Register Unit No.C.L.199 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 Mr. B.D. Roche claimed to be the freehold owner of part of the land in question, Mr. L.J. Feltham claimed to be the owner of another part of the land, and Mrs. E.D.Hicks claimed to be the owner of another part of the land. 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 25th October 1973.

At the hearing Mr. Roche, Mr. Feltham, and Mrs. Hicks were all represented by Mr. J.P. Burgess, solicitor.

The land the subject of the reference is roughly T-shaped, with a stream, called Danes Stream, running through it from north to south (or vice versa) along the line of the top of the T. Mr. Feltham's claim related to the whole area, with the exception of the southern part of the top of the T, while Mr. Roche and Mrs. Hicks claimed to be the owners of the remainder lying respectively to the west and the east of the stream. These areas will be indicated more precisely on plans to be annexed to the directions under section 8 of the Act of 1965.

I am satisfied that Mr. Feltham is the owner of the portion of the land which he claimed under a conveyance made 8th April 1946 between (1) Leonard John Feltham (2) L.J. Feltham and others, and (3) L.J. Feltham.

I am satisfied that Mr. Roche and his wife are the owners of the portion of the land which Mr. Roche claimed under a conveyance made 6th February 1968 between (1) Kenneth Spence Fisher, and (2) Brian David Roche and Sandra his wife.

I am satisfied that Mrs. Hicks is the owner of the portion of the land which she claimed under a conveyance made 14th August 1945 between (1) Bertrand Alexander Malet, and (2) Fred Hicks, and an assent made 11th May 1971 between (1) Barclays Bank Trust Company Ltd (the executor of F. Hicks), and (2) Elsie Dora Hicks.

I shall accordingly direct the Hampshire County Council, as registration authority to register Mr. Feltham, Mr. and Mrs. Roche and Mrs. Hicks as



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the owners of their respective 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 28th day of November 1973

A handwritten signature in cursive script, appearing to read 'J. S. Quill', written in dark ink.

Chief Commons Commissioner