



In the Matter of Purshell Green Common,
Elmbridge

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 51 in the Register of Common Land maintained by the Hereford and Worcester 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 Mrs B Truswell claimed to be the freehold owner of part 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 Worcester on 25 May 1983.

Mr L J Sanders Chartered Surveyor appeared for Mrs Truswell the claimant and Mr G S Wheeler appeared in person as a successful Rights Applicant (Entry No. 8) and for Elmbridge Parish Council as its Chairman.

Mr Sanders said that his client claimed as owner of Poole House Farm to be the owner of The Pool, OS.21, which was part of the Register Unit. He produced a Deed of Gift made the 16th December 1965 between Mrs M G King and her daughter Mrs Truswell conveying Pool House Farm to Mrs Truswell including the Pool. It was stated in this Deed that this Farm had been purchased in 1946 by Mrs King and her husband, who had since died.

The registrations in the Land and Rights Section became final because they were undisputed and Mrs Truswell had not attended an inquiry as to ownership in 1974 because she had not appreciated that the Register Unit included The Pool. It was common ground among those present that the position of Purshell Green Farm was not correctly shown on the Register Plan.

Mr Wheeler said that the Pool was shown on the 1842 Tithe Map as part of an area of Common Land measuring 24 acres 3r. 13p. The pool was fenced and he submitted that there was no evidence that Mrs Truswell had ever been in possession.

In the absence of any positive evidence (and there was none) that a third party was in possession of the Pool at the date of the Deed of Gift the effect of the Deed was to transfer possession to her and that possession has continued and will continue until she is effectively dispossessed.

On this evidence I am satisfied that Mrs Truswell is the owner of the Pool and OS.21 and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register her as the owner 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

9th

day of

June

1983

Commons Commissioner