



COMMONS REGISTRATION ACT 1965

Reference No. 19/U/49

In the Matter of Denton Village Green, Denton with Wootton, Dover D., Kent

DECISION

This reference relates to the question of the ownership of land known as Denton Village Green, Denton with Wootton, Dover District being the land comprised in the Land Section of Register Unit No. VG.45 in the Register of Town or Village Greens maintained by the Kent 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 Denton with Wootton Parish Council claimed that the land in question had always belonged to the Village; no other person claimed to be the freehold owner of the land 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 Dover on 26 November 1974. At the hearing Denton with Wootton Parish Council were represented by Mrs A. Williamson.

Mrs Williamson who is a member of the District Council and who was for 8 years before April 1974 a member of the Dover Rural District Council said (in effect):- Having lived for the last 40 years at Coldred (about 3 miles from Denton) she had always known Denton well. It is a delightful village, and the land ("the Unit Land") comprised in this Register Unit is a village green in the centre of it. Ever since she had known it it had been well maintained by the Parish Council who arranged for it to be regularly mowed and who had recently arranged for it to be kerbed. The Parish Council had no documentary title. Mr Gibbons was born in the village, and had said that in 1905 while he was at school it was a village green he often then played on it, that it had always been owned by the Village, but that it was much larger in 1905, part of it having been taken since then for road widening. Miss Long who is and has for many years been clerk of the Parish Council had said that in 1937 the Parish Council had been asked by the County Council for permission to erect on the Unit Land a Jubilee Coronation seat.

By section 22 of the 1965 Act, the ownership with which I am concerned is defined as meaning ownership of a legal estate in fee simple; I must therefore say whether the evidence of Mrs Williamson shows the Parish Council to be such an owner. The particular circumstances of this case may not matter much how I answer this question, because if I am satisfied as to the ownership of the Parish Council, I am required by subsection (2) of section 8 of the Act to direct the registration of the Parish Council as owner; but



- 2 -

if I am not satisfied that any person is the owner, and it was not suggested that any person other than the Parish Council could be the owner, I am by subsection (3) of section 8 required to direct the registration of the Parish Council as the owner.

Notwithstanding that the evidence of Mrs Williamson was not supported by any documents or confirmed by direct evidence given by a person who had on behalf of the Parish Council actually done or arranged for something to be done, I can I think properly give full effect to her evidence.

For the above reasons, I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Kent County Council as registration authority, to register Denton with Wootton Parish Council 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 21st

day of January

1975

a. a. Baden Fuller

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Commons Commissioner