



COMMONS REGISTRATION ACT 1965

Reference No. 19/U/38

In the Matter of land at Church Hill,  
Temple Ewell with River, Dover D., Kent

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which <sup>is</sup> by the railway bridge at Church Hill, Temple Ewell with River, Dover District, which is the land comprised in the Land Section of Register Unit No. CL.70 in the Register of Common Land maintained by the Kent County Council and of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The Referred Part is that part of the land comprised within this Register Unit which is not registered under the Land Registration Acts 1925 to 1966 under Title No. K.303331.

Following upon the public notice of this reference no person claimed to be the freehold owner 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 Dover on 26 November 1974. At the hearing Temple Ewell with River Parish Council were represented by Mr W.J. Parkin their chairman.

Mr Parkin who has resided in the Village for the last 15 years, been a member of the Parish Council for the last 5 years, and chairman for 2 years, in the course of his evidence said (in effect):- Of the land ("the Unit Land") comprised in this Register Unit, the part which is registered under the Land Registration Acts (shown on the plans as a small orange dot) is an electricity pylon. Before the Parish Council applied for the registration of the Unit Land under the 1965 Act, they made exhaustive inquiries, but could not find the owner; it was said that the Unit Land used to belong to a man who emigrated <sup>to</sup> Australia in 1907. Before the 1939-45 war, the Unit Land was part of and used as an allotment. After the war, it became overgrown with scrub, was used as a place to dump rubbish and was an eyesore. About 5 years ago, the Parish Council cleared it, did a certain amount of levelling and converted the Unit Land into a place for turning vehicles. This was a convenience for (among other people) persons coming to the Church which is at the bottom of Church Hill, <sup>and</sup> near which the road is too narrow to turn vehicles easily; the Unit Land is at the top end of Church Hill. After they had constructed the turning place, the Parish Council erected a notice board:- "TEMPLE EWELL COUNCIL. TURNING AREA ONLY. NO PARKING".

Two days after the hearing, I inspected the Unit Land. The advantage of converting the Unit Land into a turning place is obvious. The made up part of Church Hill ends at the bridge over the railway cutting; on the west side of the bridge the road becomes a rough track.



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From the evidence of Mr Parkin/<sup>and</sup> from what I saw when I inspected the land, I conclude that the Parish Council are in possession of the Referred Part (the notice board they had erected confirmed such possession), and that it is now practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership.

For the above reasons, I am satisfied that the Parish Council is the owner of the Referred Part, and I shall accordingly direct the Kent County Council as registration authority to register Temple Ewell with River Parish Council as the owner of the Referred Part 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

20<sup>th</sup>

day of

January

1975

a. a. Bate *Julia*

Commons Commissioner