



In the Matter of Land between public roads at the
Old School Luddesdown, Kent

DECISION

This reference relates to the question of ownership of land described as above, being the land comprised in the Land Section of Register Unit No. CL/144 in the Register of Common Land 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 Luddesdown Parish Council claimed to be the freehold owner of the land in question and Mr J A Williams of Luddesdown Court to have information as to its ownership and an interest in the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Maidstone on 6 February 1979.

Mr T J D Cunis, Chairman of Luddesdown Parish Council, appeared on its behalf and gave evidence: there were no other appearances at the hearing. Mr Cunis has been a resident in Luddesdown for five years and Chairman of the Parish Council for one year. From enquiries he had made, it would appear that the Council had unrestricted use of the land "for as long as anyone can remember" - which, he said, would be upwards of twenty years in the case of several of his informants. The Parish Council cut the grass in former years, but it is now maintained by Gravesham Borough Council - its main use is for parking vehicles.

On this evidence I am not satisfied that any person is the owner of the land, 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

12th

day of

March

1979

L. J. Morris Smith
Commons Commissioner