



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/2

In the Matter of Shepherdswell Village Green,
Shepherdswell-with-Coldred, Dover D., Kent

DECISION

This reference relates to the question of the ownership of land of approximately $\frac{1}{4}$ acre in extent known as Shepherdswell Village Green, Shepherdswell-with-Coldred Dover District, being the land comprised in the Land Section of Register Unit No. VG.76 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 Mr J.F. Pettit on behalf of his family and himself claimed the land in question; no other person claimed to be the freehold owner of it 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 Shepherdswell-with-Coldred Parish Council were represented by Mr N.L. Durbidge their clerk; Mr Mummery their chairman was present.

Mr Durbidge who moved to the village in 1966 and has been Clerk of the Council since 1967 in the course of his evidence described the Green. From what he said and from what I saw when I looked at it on the day after the hearing, I conclude that it is a valuable amenity not only for those who live near but also for the Village generally. When the many trees are in leaf, its appearance must be most attractive. At one end there is the Village War Memorial. It is surrounded by a post and pipe fence (this keeps the cars off) with gaps for pedestrians. Mr Durbidge produced the Parish Council minute book from 1894 to 1916. In 1895 the Council (it was then Sibertswold Parish Council) made byelaws for the control of the Village Green: in 1896 they authorised the erection of a notice board on it; in 1898 they asked the District Council to clear out the Village Pond because of the inconveniences caused by the absence of a good water supply for the inhabitants; and in 1906 they resolved that the paths on the Village Green be repaired, the ground dug round the trees and shrubs and the fence painted.

Mr Durbidge said (in effect):- The Pond mentioned in the 1898 minute was on the Village Green; it was filled in before his time. In 1963 Sibertswold and Coldred were merged, and the Council became (as it now is) Shepherdswell-with-Coldred Parish Council. The War Memorial was erected and is maintained by the Parish Council; they also erected and maintain the Bus Shelter. He knew nothing of Mr Pettit.



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On this evidence I conclude that the Parish Council are in possession of the Green, and that it is practically certain that their possession will not be disturbed; such possession is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Kent County Council as registration authority to register Shepherdswell-with-Coldred Parish Council as the owners 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 5/12

day of December 1974

a. a. Baden Fuller

Commons Commissioner