



COMMONS REGISTRATION ACT 1965

Reference No.219/U/57

In the Matter of The Playstool,
Borden, Kent.

DECISION

This reference relates to the question of the ownership of land known as The Playstool, Borden, being the land comprised in the Land Section of Register Unit No.VG 192 in the Register of Town or Village Greens maintained by the former 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 the Borden Parish Council 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 Canterbury on 29th July 1975.

At the hearing Mr A.J.W.Vaughan, solicitor, appeared on behalf of the Parish Council.

The southern part of the land the subject of the reference, being Ordnance Survey No.135 was conveyed to the Parish Council by a conveyance made 22nd August 1931 between (1) William Packham Ltd (2) Borden Parish Council. The Parish Council has since used the land as a recreation ground.

Four small areas in the north-west corner of the land comprised in the Register Unit are registered under the Land Registration Acts 1925 and 1936 as parts of titles Nos.K 111557, K 127545, K 127544, and K 197533, and are therefore excluded from this reference.

On this evidence I am satisfied that the Parish Council is the owner of O.S.No.135 and I shall accordingly direct the Kent County Council, as registration authority, to register the Parish Council as the owner of that land under section 8(2) of the Act of 1965. There was no evidence as to the ownership of the remainder of the land included in the reference. I am therefore not satisfied that any person is the owner of the remainder, and I shall accordingly direct the Kent County Council to register the Parish Council as the owner of such part of the land under section 8(3) 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 14th day of August 1975

Chief Commons Commissioner