



In the Matter of The Green (part) fronting Hartwell  
Road, Ashton, Northamptonshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 135 in the Register of Town or Village Greens maintained by the Northamptonshire County Council and is occasioned by Objection No. 91 made by the County Council and noted in the Register on 8 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Northampton on 12 December 1979. The hearing was attended by Mr V Smith, Solicitor of the County Council and by Mr J K Clayton.

The registration was effected on the application of Ashton Parish Council. The Objection relates only to part of the land comprised in the Register Unit ("the Unit land"), the part in question being shown on the plan accompanying the Objection, on which it is coloured red. This part ("the red part") is a triangle forming the western section of the Unit land. The Unit land is itself triangular in shape, the south-western side of which adjoins the main road; part of this side is the side of the red part, so that the south-western side of the red part adjoins the main road. The Objection is on the grounds that the red part was not a town or village green at the date of registration because it then formed and still forms part of the public highway.

Evidence was given by Mr Kenneth Francis, Assistant Area Surveyor of the County Council and Mr Dennis Nightingale of the County Council, its rights of way Officer and also engaged in the registration work under the Commons Registration Act. The County Council has always considered the red part to be part of the highway and has mown the grass on it at regular intervals since 1974. There is a metalled tract about 9' wide on the northern boundary of the Unit land which has been maintained by the County Council. On a Tithe Award map of 1816 and OS maps of 1894 and 1900 the area of the Unit land is shown with nothing to indicate that it is not part of the highway land.

The Parish Council did not appear to support the registration. Mr Clayton who owns a house opposite the Unit land and claims rights of ownership of the Unit land appeared and I permitted him to give evidence. It emerged that he took the view that the red part is not part of the highway, nor is it village green. I am not convinced that the whole of the red part is highway, but in the absence of evidence to support its registration as village green, I think it should be excluded from the registration, which I confirm with this exclusion.

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 10 March 1980

*L. J. Morris*  
Commons Commissioner