



COMMONS REGISTRATION ACT 1965

Reference No. 226/3/59

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 134 in the Register of Town or Village Greens maintained by the Northamptonshire County Council and is occasioned by Objection No. 92 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.

The registration was effected on the application of Ashton Parish Council. The grounds of the Objection are that the land comprised within this register unit was not town or village green at the date of the registration because it then formed and still forms part of the public highway.

Evidence was given by Mr Kenneth Francis, Assistant Area Surveyor to the County Council and by Mr Dennis Nightingale, Rights of Way Officer, who has been engaged in the work of the County Council arising under the Commons Registration Act. The land comprised in this Register Unit ("the Unit land") is a small triangular area, the north eastern base of which forms the verge of the main road and alongside the other two sides of the triangle there is access from the main road to a farm. From the base to the south western apex of the triangle is approximately 10 metres, and about 3 metres from the main road there is a metalled footway about 3 feet wide which splits the Unit into two areas, both being grass areas. The footway is maintained by the County Council and the grass has been mown by it regularly since 1954.

There was no evidence to show that the Unit land qualified for registration as a village green, and the evidence of the County Council's witnesses establishes in my view, at least a prima facie case for the Objection: and for these reasons I refuse to confirm the registration.

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

9 January

1980

L. J. Morris Smith

Commons Commissioner