



COMMONS REGISTRATION ACT 1965

Reference No. 2/U/74

In the Matter of Land opposite the Church of
St.Mary,Uffington,Oxfordshire

DECISION

This reference relates to the question of the ownership of land opposite the Church of St.Mary, Uffington, being the land comprised in the Land Section of Register Unit No.CL.74 in the Register of Common Land maintained by the former Berkshire 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 Post Office and Mr J.P. Erskine claimed to be the freehold owners of parts of the land in question and Mr H.F.Arbutnot 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 Oxford on 8th October 1975.

The hearing was attended by Mr A.Challis, Chairman of the Uffington Parish Council, by Mr Arbutnot, whom I heard on behalf of Mrs May Collins, and by Mr Erskine.

The land the subject of the reference is a small triangular area to the east of St.Mary's Church, from which it is separated by a road. The land lies open to the road and has for many years been used as a car park by people visiting the Church. It is also the means of access to two footpaths, one leading to the south and the other to the east. By a conveyance made 8th November 1960 between (1) Olive Ellen Elizabeth Dawbarn (2) Mary Elsie Collins, Dorothy Egerton and Kathleen Mary Balfern there was conveyed with other property a narrow strip of land on the north side of the footpath leading to the east.

It appears from a recital in this conveyance that all the property conveyed was Glebe land until 1959. The Western boundary of this strip appears to march with part of the eastern boundary of the land the subject of the reference. Mrs Collins is now the sole owner of the narrow strip of land to the north of the footpath and she claims to be the owner of so much of the land the subject of the reference as lies between the western end of her strip and the centre of the road, relying on the presumption that ownership of land adjoining a highway carries with it the ownership of the soil of the highway to the middle of the highway.

To accept this claim it would be necessary to find that the land the subject of the reference is part of the highway. Mr Arbutnot, however, informed me that the highway authority does not accept that it is part of the highway and also that it is a piece of Glebe land which has for centuries been used in connection with the church. In the absence of any firm evidence I cannot find that it is still Glebe land, but I equally cannot find that it was part of the highway in 1960 and so passed under the conveyance.



On this rather unsatisfactory 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 ~~17th~~ this ~~March~~ 17th day of March 1976.


Chief Commons Commissioner