



COMMONS REGISTRATION ACT 1965

Reference No. 2/D/3

In the Matter of several pieces of land in
the parish of West Hanney, Oxfordshire
(formerly Berkshire)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.24 in the Register of Common Land maintained by the Oxfordshire County Council and is occasioned by Objection No.67 made by Walter Treble and noted in the Register on 21 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Oxford on 30 October 1974. The hearing was attended by Mr Capel of Fryce & Co Solicitor for West Hanney Parish Council and by the objector Mr Walter Treble.

The objection related to only a portion of the registered land namely the plot comprising a footpath on the west to the east of Ordnance No. 46 and bounded by a road on the east which runs between the plot and Ordnance No. 47 on which are some sheds, some of which are derelict and in which there was formerly a pond. The plot is clearly defined on the plan annexed to Mr Treble's objection.

Mr Capel failed to adduce any evidence that there were any rights of common over the land to which the objection related or that it is waste of the Manor. On the other hand Mr Treble stated that he had planted apple trees on the said land many years ago and the apple crop from these trees had always been his property. There was no objection to any other part of the land in question and no evidence was given as to such land.

For these reasons I refuse to confirm the registration of the land to which the objection relates but confirm the registration of the remainder of such land.

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 5th day of November 1974

C. A. Seftle

Commons Commissioner