



In the Matter of Broomfield Common,

Broomfield, Somerset.

DECISION

This reference relates to the question of the ownership of land known as Broomfield Common, Broomfield, being the land comprised in the Land Section of Register Unit No.C.L.25 in the Register of Common Land maintained by the Somerset 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 no person claimed to be the freehold owner of the land in question and no one 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 Taunton on 3rd November 1972.

At the hearing the Broomfield Parish Council was represented by its Clerk, Col. R.A.C. Coldstream. Col. Coldstream produced correspondence which shows that in 1966 there were some negotiations between the Parish Council and the late Lord Wharton and General Hamilton, who were believed to be jointly Lords of the Manor of Broomfield at that time, for the transfer to the Parish Council of all their manorial rights. Col. Coldstream said that it could be established that the land in question is part of the waste of the Manor of Broomfield and he contended that since action on the proposed transfer had been suspended on account of the Commons Registration Act 1965, the most satisfactory arrangement would be for me to direct the County Council to register the Parish Council as the owner of the land.

While this would no doubt be an arrangement satisfactory to all concerned, it is not one which is in my power to direct. On the evidence before me I am not satisfied that Lord Wharton and General Hamilton were the owners of this land in 1966. While further investigation might prove this to be the case, it is quite clear that any rights which Lord Wharton and General Hamilton may have had have not passed to the Parish Council. Under section 8 of the Act of 1965 my duty is to satisfy myself as to the present ownership of the land and not to exercise a discretion as to what would be a satisfactory arrangement for the future. Since those at present entitled to any rights which Lord Wharton and General Hamilton may have had have not thought fit to claim the ownership of this land, I can only say that in the absence of any evidence I am not satisfied that any person is the owner of the land and that it will therefore be 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 this 21st day of November 1972

[Handwritten Signature]
Chief Commons Commissioner