



In the Matter of Land between All
Saints Church and Parsonage Road and
Land in Parsonage Road, West Camel,
Somerset.

DECISION

This reference relates to the question of the ownership of land between All Saints Church and Parsonage Road and land in Parsonage Road, West Camel, being the land comprised in the Land Section of Register Unit No. CL.47 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 Mr B P Clothier claimed to be the freehold owner of the land in question and no other person 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 23 October 1984. At the hearing Mr Clothier appeared in person and the West Camel Parish Council was represented by Mr J F Stevens, one of its members.

The land the subject of the reference comprises two separate areas. That described as "Land in Parsonage Road" is a long narrow strip, the ownership of which is not claimed by either Mr Clothier or the Parish Council. The area described as "Land between All Saints Church and Parsonage Road" consists of the site of a former pond, now filled in, and the land surrounding it. On the 1903 edition of the Ordnance Survey Map this area forms part of parcel No.300, the total area of the parcel being stated to be 2.218 acres.

Part of O.S No. 300 with an area of 2a.or.14p. was included in the parcels of an agreement made 1 February 1943 between (1) Lily Masters (2) George Phillips Clothier whereby it and other land together known as West Camel Farm was let to Mr G P Clothier on a tenancy from year to year. At the time of this agreement Mr B P Clothier was about one year old, but during the whole of the time that he can remember Mr G P Clothier, who was his father, used the part of O.S No. 300 which is the subject of the reference as part of West Camel Farm, keeping farm machinery and storing fertiliser on it.

The part of O S No 300 which is the subject of the reference is shown with an area of 0.358 ac on the plan annexed to a Conveyance made 30 June 1977 between (1) Mary Copp (2) George Phillips Clothier, Vera May Clothier (his wife) and Brian Philip Clothier, whereby West Camel Farm was conveyed to Mr and Mrs G P Clothier and Mr B P Clothier in fee simple as joint tenants on trust for sale as part of their partnership assets. Mrs Clothier died on 13 February 1983 and Mr G P Clothier on 5 March 1983.



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On this evidence I am satisfied that Mr B P Clothier is the owner of part of the land, and I shall accordingly direct the Somerset County Council as registration authority, to register him as the owner of the land between All Saints Church and Parsonage Road under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the land in Parsonage Road, which 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 this 28th day of November 1984

Chief Commons Commissioner