



In the Matter of Part of Street Lane, South Brewham,
Somerset.

DECISION

This reference relates to the question of the ownership of part of Street Lane, South Brewham, Brewham, being the part of the land comprised in the land section of Register Unit No. CL.130 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, but Mr R F W Cook 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 Cook appeared in person.

The whole of the land comprised in the Register Unit has been in the occupation of Mr Cook under a tenancy agreement dated 28 October 1968 granted by the Bath and Wells Diocesan Board of Finance. This land, together with other land, is described in the agreement as "the Glebe land of the Benefice of Orchardleigh situated in the Parish of South Brewham". Part of the land was registered in the Ownership section of the Register Unit as being in the ownership of the Right Revd. Edward Barry Henderson, Lord Bishop of Bath and Wells. It does not appear why the application for this registration did not include the whole of the land comprised in the Register Unit, but presumably the application was made in the name of the Bishop because the Benefice was then vacant. However, it does not appear to be necessary to investigate the history of the matter, since the Glebe land of the Benefice was vested in the Diocesan Board of Finance by section 15 of the Endowments and Glebe Measure 1976.

I am therefore satisfied that the Bath and Wells Diocesan Board of Finance is the owner of the land, and I shall accordingly direct the Somerset County Council, as registration authority, to register the Board as the owner 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