



In the Matter of The Recreation Allotment,
Buckland St Mary, Somerset

DECISION

This reference relates to the question of the ownership of land known as The Recreation Allotment, Buckland St Mary, being the land comprised in the Land Section of Register Unit No. VG 75 in the Register of Town or Village Greens 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 Mrs F M White 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 Mrs White was represented by her husband, Mr R C White, and the Buckland St Mary Parish Council by Mr W C Board, its Chairman.

The land in question was conveyed to the late Mrs Mabel Howe subject to the rights of the inhabitants of the parish of Buckland St Mary and neighbourhood to use it as a place for recreation and exercise by a Conveyance made 31 December 1941 between (1) Levi Crandon (2) Mabel Howe.

Mrs Howe died about 30 years ago, leaving three surviving children, one of whom was Mrs White. Mr White did not know whether Mrs Howe died intestate or left a will. For about ten years after Mrs Howe died, Mr Richard Pym, who gave evidence, was the tenant of the land and paid his rent to Mrs White. After Mr Pym gave up the tenancy Mr White took over the land and farmed it. Since then it has occasionally been let to other farmers, who have paid the rent to Mrs White. When not let the land has been farmed by Mr White.

On this evidence I am satisfied that Mrs White has acquired a possessory title to the land, and I shall accordingly direct the Somerset County Council, as registration authority, to register her as the owner of the land under section 8(2) 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

30th

day of

October

1984

Chief Commons Commissioner