



COMMONS REGISTRATION ACT 1965

Reference No 232/U/6

In the Matter of the Recreation
Allotment, Chillington, Yeovil
District, Somerset

DECISION

This reference relates to the question of the ownership of land known as the Recreation Allotment, Chillington, Yeovil District being the land comprised in the Land Section of Register Unit No VG. 80 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.

In 1972 the County Council as registration authority was informed that the late Commander P C Patten-Thomas claimed ownership of the land in question and had informed Economic Forestry Limited that this reference had been made. Following upon the public notice of this reference the Trustees of the Brede Woodlands Trust claimed ownership. No other person claimed to be the freehold owner of the land or 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 1 December 1977. At the hearing Mr N W Briggs, Mr B W Wells and Mrs M Swaffield were represented by Mr N Engert solicitor with Clarke Wilmott & Clarke Solicitors of Taunton as agents for Iliffe and Edwards Solicitors of Chesham, Bucks.

Mr Engert in the course of his evidence produced: (1) a conveyance dated 15 April 1959 by which the University of Oxford and others conveyed to Commander A J Debenham 87 acres of land in Chillington and West Crewkerne as delineated on the plan annexed (based on OS map 1/2500 dated 1929), including parts of OS Nos 109 and 109a (2.888 and 0.124 acres, part of Chillington Down, West); (2) a conveyance dated 30 March 1961 by which Commander Debenham conveyed to Commander P C Patten-Thomas the same land; (3) an examined copy of the probate dated 17 November 1972 of the will of Commander Patten-Thomas (he died on 30 June 1972); (4) a conveyance dated 2 April 1975 by which his personal representatives conveyed to Mr Briggs, Mr Wells and Mrs Swaffield (among other land) the same parts of OS Nos 109 and 109a; and (5) an extract from the Chillington Enclosure Award dated 1874 and from the map referred to in it.

From the plan annexed to the 1959 and 1975 conveyances, Mr Engert identified the land comprised in this Register Unit as included in the parts of OS Nos 109 and 109a conveyed as aforesaid. By the 1874 Award, such land was allotted "unto the representatives of James Thomas Motley...as part of their allotment...(containing one acre) subject to the obligation of preserving the surface in good condition and permitting the same at all times used for exercise and recreation by the inhabitants of the said Parish and neighbourhood..."



the evidence summarised above, I am satisfied that Mr Briggs, Mr Wells and Mrs Swaffield are the owners of the land, and I shall accordingly under section 8(2) of the 1965 Act direct Somerset County Council to register Norman William Briggs, Mr Benjamin Weston Wells and Mrs Margaret Swaffield as trustees of the Brede Woodlands Trust (Mr Engert having stated that they wished to be so described) care of Messrs Iliffe and Edwards of The Bury, Church Street, Aylesham, Bucks. as the owner of the 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 7th day of December 1977

a. a. Baker Fuller

Commons Commissioner