



In the Matter of Land at Blackwell,
Tredington, Warwickshire

DECISION

This reference relates to the question of the ownership of a strip of land at Blackwell, Tredington, being the land comprised in the Land Section of Register Unit No. VG 102 in the Register of Town or Village Greens maintained by the Warwickshire 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 Lt-Col. J B Goss 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 Stratford on Avon on 21 May 1982.

At the hearing Col. Goss appeared in person and the Tredington Parish Council was represented by Mrs D L Griffiths, its Vice-Chairman.

The land the subject of the reference consists of a trackway running from a road on the east to a field on the west and bounded on its north and south sides by land belonging to Col. Goss and his wife. The entrance is open to the road, and the trackway forms the means of access to Col. Goss's stable, which is at the western end of the northern side of the trackway, and to Col. Goss's land to the south.

By a Conveyance made 14 November 1980 between (1) Jean Jeffreys (2) James Brian Goss and Dorothy May Goss his wife there were conveyed to Col and Mrs Goss the land to the south and north of the trackway and all that the right and title which the vendor might have had in the trackway and two other areas which are not material to this reference. The Conveyance was accompanied by a statutory declaration by Mrs Jeffreys, in which she stated that since her late husband purchased the property in 1959 they had always exercised rights of ownership and maintenance over the trackway and had used it for the purpose of gaining access to and from their field to the south without let or hindrance and without any adverse claim being made by any other person.

Mrs Griffiths did not adduce any evidence, but asked for an adjournment so that evidence might be sought in the County Record Office. This application at such a late stage seemed to me to be unreasonable, and I refused it.

So far as Mrs Jeffreys's statutory declaration is concerned, the part relating to the use of the trackway as a means of access is as consistent with a right of way as with ownership. That leaves the statement that Mrs Jeffreys and her late husband had always exercised rights of ownership and maintenance over the trackway. This is a very bald statement. It would have been more satisfactory if it had been stated what had been done beyond using the trackway as a means of access, and it may be that the conveyancing history of the property would have thrown some further light on the matter. Doing the best I can with the meagre evidence before me, I have come to the conclusion that, on the balance of probabilities, Mrs Jeffreys

and her husband had a right of way over the trackway, but were not in possession of it.

On this evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register the Tredington Parish Council as the owner of the land under section 8(3) 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.

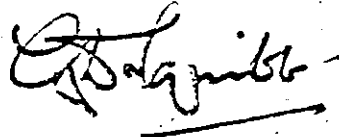
Dated this

30~~th~~

day of

September

1982



Chief Commons Commissioner