



COMMONS REGISTRATION ACT 1965

Reference No. 239/U/3

In the Matter of The Green at the Southern End
of the Village, Stourton, Warwickshire

DECISION

This reference relates to the question of the ownership of land known as The Green at the Southern End of the Village, Stourton, being the land comprised in the Land Section of Register Unit No. VG.6 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 Mr M G Blomeley 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-upon-Avon on 1 November 1978.

At the hearing Mr Blomeley appeared in person and the Stourton Parish Council was represented by Mr E Gasson, its Chairman.

Mr Blomeley is the owner of a house known as Ivy Cottage lying to the west of the land comprised in the Register Unit and he claims to be the owner of a narrow strip of land on the eastern side of his property. This strip is bounded on its eastern side by a gravelled track from which access is obtained to Ivy Cottage and other houses to the south of it. The gravelled track is bounded on its eastern side by a triangular area of rough grass, which in its turn is bounded on the east by a highway and on the south by the gravelled track, which turns eastwards to join the highway.

The strip of land claimed by Mr Blomeley was formerly covered with grass and sloped at an angle of 26° from the garden wall of Ivy Cottage down to the gravelled track. Mr Blomeley has levelled the strip and built a dwarf wall along its boundary with the gravelled track.

The strip is so narrow that it is indistinguishable on the copy of the Register Map accompanying the reference and it is equally indistinguishable on the plans on deeds relating to Ivy Cottage. I therefore had recourse to the application for the registration made by Mr B J Shaw, the Chairman of the former Stourton Parish Meeting. The plan attached to the application is a somewhat amateurish production, but it shows what appears to be intended to be the gravelled track and the triangular area of rough grass, with the triangular area (and that alone) coloured green. It has also written on it in what appears to be Mr Shaw's handwriting the words: "Having access road surrounding".

In view of the unsatisfactory nature of the plans I decided to visit the locus in quo, which I did in the company of Mr Blomeley and Mr Gasson. Having seen the position on the ground, I am left in no doubt that Mr Shaw's application did not relate to the strip of which Mr Blomeley claims to be the owner. It therefore follows that this strip does not fall within this reference, which relates only to the land comprised in the Register Unit. Mr Blomeley may or may not be the owner of the strip. That is not a matter within my jurisdiction.



so far as the land which is comprised in the Register Unit is concerned, Mr Gasson had no evidence to its ownership.

In the absence of any 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 Stourton 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 10th day of November 1978

CHIEF COMMONS COMMISSIONER