



In the Matter of The Green, Grafton

DECISION

This reference relates to the question of the ownership of land above-mentioned being the land comprised in the Land Section of Register Unit No. VG 8 in the Register of Town or Village Greens maintained by the Wiltshire 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 several persons claimed to be the freehold owner of a part 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 Marlborough on 12 October 1983.

Mrs A J Fielden of Messrs Townsends, Solicitors of Swindon appeared for Mr R R Browning, Mr D Duff of Messrs Phelps and Lawrence, Solicitors of Ramsbury appeared for Mr M S Peacock, Mrs B Mendenhall appeared for her husband Mr W K Mendenhall, Mr J C Hayes appeared for himself and his daughter Miss Idilka Hayes. Mr G A Beese, Mrs L M Head and Mrs A Robertos appeared for Grafton Parish Council. Mr Beese also represented Miss R B McVittie, who was herself present at the hearing. Mr B J Lloyd appeared in person, and Mr H C Caistor, Countryside Officer, represented Kennet District Council.

The register unit which, until 1930, had formed part of the Savernake Forest Estate of the Marquess of Ailsbury was then sold. In 1970 the register unit except for a small triangle of land in the N.E. corner was purchased by Mr Browning. In 1972 Mr Browning on 13 December sold to Mr Peacock all the land which he had purchased in 1970 except for a triangle of land at the S.W. corner.

On this Conveyance to Mr Peacock are enclosed Memoranda of three Conveyances (i) to Miss McVittie dated 28 November 1978 (ii) to Mr Mendenhall dated 20 December 1972 and (iii) to Mr C M Cotton dated 25 March 1974. There are also attached copies of the plans showing the land comprised in the first two conveyances. The plan attached to the Conveyance to Mr Cotton was not attached to the Copy Conveyance but I have since been supplied with a copy of the Conveyance to Mr Cotton. This land is now owned by Mr Hayes and his daughter.

At the hearing no one appeared to claim the triangle of land at the N.E. corner of the register unit. I have since received from Mr J E Holden of Hopcrofts, East Grafton, documents of title which satisfy me that he is the owner of this piece of land.

The remainder of the land conveyed to Mr Peacock which is comprised in the Register Unit and not subsequently sold is still owned by him.

Mr Lloyd did not claim beneficial ownership of any part of the land. The plan attached to his written submissions in fact related to a piece of land which was not part of the Register Unit and was not relevant to the matter before me.



On this evidence I am satisfied that Mr Browning, Mr Peacock, Mr Holden, Mr Mendenhall, Miss McVittie and Mr and Miss Hayes each own a part of the land and I shall accordingly direct the Wiltshire County Council as registration authority to register each of them respectively as the owner or owners of such parts 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 17th day of January 1984

George Herbert

Commons Commissioner