



In the Matter of Nine Pieces of Land at  
East Ilsley, Berkshire.

DECISION

This reference relates to the question of the ownership of nine pieces of land at East Ilsley, being the land comprised in the Land Section of Register Unit No. CL 116 in the Register of Common Land maintained by the Berkshire 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 no person claimed to be the freehold owner of the land in question and no one 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 Newbury on 1 February 1978.

At the hearing the East Ilsley Parish Council was represented by Mrs C F Lewis, solicitor.

The nine pieces of land the subject of the reference are numbered for convenience on a plan put in by Mrs Lewis.

No. 1 is the south-western corner of a large area known as Prestwell Fields Common. The Common was conveyed to the Parish Council by a conveyance made 3 December 1941 between (1) The Agricultural Research Council (2) The Parish Council. Since there was some doubt whether this small area was included in the conveyance, the position was clarified by a supplementary deed dated 24 April 1972. The Parish Council has been in possession of this land since 1941 and has levelled it with the Common for use by a football club.

Nos. 2 and 3 are the sites of cottages long since demolished. The cottages are shown as parish property in the tithe apportionment award.

No. 4 is a roadside strip created when the road to Abingdon was straightened at some time before 1959. The Parish Council has cut the grass and kept it tidy, but in my view the carrying out of such ameliorative work does not constitute adverse possession of land.

No. 5 is a pond and the land surrounding it. The Parish Council has planted trees and water plants and has placed and maintained two seats on the land. This has continued for long enough for the Council to have acquired a possessory title.

No. 6 is an area near the church, of which the Parish Council has been in possession by placing and maintaining a seat on it long enough to have acquired a possessory title.



No. 7 in Broad Street has been occupied by the Parish Council by placing and maintaining a bus shelter and a notice board on it for long enough to acquire a possessory title.

No. 8 in the High Street is not claimed by the Parish Council.

No. 9 was formerly the site of the sheep fair. It has on it a plaque commemorating the fair erected by the East Ilsley Conservation Group. There are also some trees, but it is not known by whom they were planted.

On this evidence I am satisfied that the Parish Council is the owner of the areas numbered 1, 2, 3, 5, 6, and 7, and I shall accordingly direct the Berkshire County Council, as registration authority, to register the East Ilsley Parish Council as the owner of the land under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the areas numbered 4, 8 and 9, and they will therefore remain subject to protection under section 9 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

29~~th~~

day of

June

1978.

CHIEF COMMONS COMMISSIONER