



COMMONS REGISTRATION ACT 1965

Reference No 2/U/43

In the Matter of the Green, Ashmore Green,  
Cold Ash, Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of land known as the Green, Ashmore Green, Cold Ash, Newbury Rural District being the land comprised in the Land Section of Register Unit No VG.52 in the Register of Town or Village Greens maintained by the Berkshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

In a letter dated 6 January 1972 written to Berkshire County Council, Cold Ash Parish Council stated that they (the Parish Council) were the owners of the land now in question. Following upon the public notice of this reference 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 Reading on 21 March 1973. The hearing was attended by the Cold Ash Parish Council who were represented by Mrs J D Mundy, their clerk.

Evidence was given by Mr E J Ettridge who is and has for the last 7 or 8 years been chairman of the Parish Council, has been a member since 1948 and has lived in Cold Ash since 1939.

Mr Ettridge said:- The land is an open piece of grass land about 40/50 yards long, open to the road (a bus route) going through Ashmore Green. The Parish Council have for many years arranged for the grass to be cut; up to five years ago this was done voluntarily by a person living near; during the last five years the Parish Council have paid a man to do it. The Parish Council have always been concerned with the Green, for example when about 3 or 4 years ago, some contractors doing work on nearby cottages deposited building materials on the land, the Parish wrote to them saying the land was Parish Property and there was no trouble.

Mr Ettridge had never heard of any person other than the Parish Council, claiming ownership.

Although the evidence in support of the ownership claim of the Parish Council is slender, bearing in mind that if I am not satisfied that any person is the owner, I am required to direct the County Council as registration authority to register the Parish Council as owner under section 8(3) of the Act of 1965. (so that the Parish Council is the only person concerned to dispute an ownership claim), I think I can properly conclude from the evidence of Mr Ettridge that the Parish Council are in possession and that it is practically certain that their possession will never be disturbed.

Possession in such circumstances is equivalent to ownership. I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority, to register Cold Ash



Parish Council as the owner of the land under section 8(2) of the Act.

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 28<sup>th</sup> day of March 1973

a. a. Baden Fuller,

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Commons Commissioner