



In the Matter of Two Pieces of Land at Burchetts Green,
Bisham, Berkshire

DECISION

This reference relates to the question of the ownership of two pieces of land at Burchetts Green, Bisham, being the land comprised in the Land Section of Register Unit No CL 163 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 Mrs M Wyndham claimed to be the freehold owner of the land in question and Messrs Simmons & Sons 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 2 February 1978.

At the hearing Mrs Wyndham appeared in person.

The land comprised in the Register Unit consists of two narrow strips on the west side of the road leading from Maidenhead Thicket to Great Marlow. The southernmost of these strips lies between Mrs Wyndham's house, known as Gorseland, and the road. Gorselands was conveyed to Mrs Wyndham by a conveyance made 17 September 1970 between (1) Harold Albert Harris, Philip Burdick Dunn and Harry Lawrence James White, as personal representatives of Gladys Le Poer Trench (2) Muriel Wyndham. Mrs Trench, who was Mrs Wyndham's grandmother-in-law, acquired the property by an indenture made 11 April 1921 between (1) Henry Frederick Carew Gibson and Claud Carew Gibson (1) G Le P Trench. In this indenture the property conveyed was described as being bounded on the east by the road. Mrs Wyndham has lived in the house for the last 24 years, during which time the land has been maintained by the owner of the house, who has had the grass cut and trees planted.

The northernmost strip of land lies between a house known as Orchard Corner and the road. Orchard Corner was conveyed to Mrs G Le P Trench by Dame Francis Louise Helen Clayton on 30 November 1934. It was bought by Miss Cynthia Alexa Ford after Mrs Le Trench's death. Miss Ford died on 17 August 1974 and Orchard Corner passed under her will to Mrs Wyndham's daughters, Miss Carolyn Le P. Wyndham and Miss Amanda Jane Le P Wyndham. The strip in question appears to be included in the parcels of the 1934 conveyance, as indicated on the plan attached to it, and it has been occupied together with Orchard Corner. The property known as Orchard Corner was registered in the Land Registry on 29 October 1969 under Title No BK 88900 and the Misses Wyndham were registered as the proprietors on 6 September 1977. However, according to the official certificate of result of search dated 23 September 1974, this registration did not include the roadside strip included in the Register Unit.

On this evidence I am satisfied that Mrs Wyndham and the Misses Wyndham are the owners of the southernmost and northernmost strips respectively, and I shall accordingly direct the Berkshire County Council, as registration authority, to register them as the owners of their respective parts of the land 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 22nd day of February 1978

A handwritten signature in black ink, appearing to read 'G. G. G. G.', written over a horizontal line.

CHIEF COMMONS COMMISSIONER