



## COMMONS REGISTRATION ACT 1965

Reference No 203/U/146

In the Matter of a public pond at  
Beacons Bottom, Stokenchurch, Wycombe  
District, Buckinghamshire

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DECISION

This reference relates to the question of the ownership of land being a public pond at Beacons Bottom, Stokenchurch, Wycombe District and being the land comprised in the Land Section of Register Unit No CL 295 in the Register of Common Land maintained by the Buckinghamshire 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 Stokenchurch Parish Council (letter of 9 September 1977) said that the land was allotted as a public pond or watering place by the 1861 Inclosure Award and was easily located in the Award map. No person 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 Aylesbury on 25 January 1979. At the hearing Stokenchurch Parish Council were represented by Mr R C Tetlow solicitor practising as Marchant Tetlow, Solicitor of Newport Pagnell.

Mr Tetlow produced a copy of the Stokenchurch Inclosure Award dated 31 August 1861 by which were set out and appointed five public ponds or watering places including one numbered 154 on the map situate on the north-east side of Beacons Bank Wood; and produced also a copy of the map referred to. He identified the pond so numbered 154 with the land ("the Unit Land") in this Register Unit.

Mr Tetlow said (in effect):- He did not claim that the Award dealt with ownership. Now the water had gone and the pond is exhausted. The Parish Council in 1974 said that the owner of the adjoining land might use it (the former pond) as garden ground, but there is no legal document about this.

I share the view expressed by Mr Tetlow that the 1861 Award does not deal with ownership. The 1974 permission is not I think enough to show ownership of the Parish Council. In the absence of any other evidence I am not satisfied that any person is the owner of the Unit Land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

Having on 7 March 1979 walked around the locality, I feel some doubt about the identification of the Unit Land with the pond numbered 154 on the Award map. As I read the Register map the Unit Land is the pond which is east of and near to the road running southwards from the A30 up to Horsley Green; this pond, although somewhat muddy, still has water in it; it is marked on the Award map, and is there shown as part of plot 169, by the Award allotted to John Brown and said to contain 1 acre 14 perches. The land on the Award map numbered 154 seems to me to correspond to



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a small open area of land by the road running north-westwards from the A30 <sup>to</sup> down to Beacons Bottom. In short the CL 295 land is about 100 yards (by the road) south of the A30 and Plot 154 is about 100 yards (by a footpath) north of the A30 road. I need not give any decision about the identity of the Unit Land with any of the lands by the Award allotted as a public pond (such a question would perhaps be best resolved by someone with local knowledge, because, however the Unit Land was dealt with by the Award, I had at the hearing no evidence of its ownership.

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 26<sup>th</sup> ——— day of March ——— 1979

*a. a. Borden Fuller*

Commons Commissioner