



COMMONS REGISTRATION ACT 1965

Reference No. 203/U/114

In the Matter of Land at Knotty Green,
Penn, Bucks

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 205 in the Register of Common Land maintained by the Bucks 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 Earl Howe and Penn Parish Council each claimed to be the freehold owner of the land in question ("the Register Unit") 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 21 February 1979.

At the hearing Mr P H Maitland, Solicitor, of the firm of Trower Still and Keeling, appeared on behalf of Earl Howe, and the Parish Council was represented by its clerk, Mr D B Chappell.

As regards Earl Howe's claim, I refer to my decision in Re Penn Street Common (Reference 203/U/66) where I considered the documentary title, the problem of identification and a general submission by Mr Maitland. I am not satisfied either (a) that the Register Unit can be identified as part of the land comprised in the documentary title or (b) that in the absence of sufficient evidence that the Register Unit formed part of a manor vested in Earl Howe by the 1957 Deed I can accept the general submission.

The Register Unit is some half an acre in area, on part of which is a pond. It adjoins to the north-east the Recreation Ground of which I decided (Reference 203/U/67) that the Parish Council is the owner, and Mr Chappell's evidence showed that there is no division by hedge or fence and that physically the Register Unit is part of the Recreation Ground. It has been maintained by the Parish Council for at least the last nine years during which Mr Chappell has held office as Clerk, and the pond was fenced in 1973. It may have been included in the maintenance payments made to a contractor since 1956 for general maintenance of the Recreation Ground.

I am not satisfied that the Parish Council on this evidence has established a possessory title, or that any person is the owner of the land, and it 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

5 July

1979

L. J. Morris Smith
Commons Commissioner