



COMMONS REGISTRATION ACT 1965

Reference no: 3/U/3

In the Matter of Puers Green,
Chalfont, St. Giles, Chiltern D.

DECISION

This reference relates to the question of the ownership of land known as Puers Green Chalfont St. Giles, Chiltern D. being the land comprised in the Land Section of Register Unit No. CL.94 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 Dr. Scott Fordham claimed to be the freehold owner of part 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 14th October 1975.

Mr L. R. Morgan of Messrs Davenport Lyons appeared for Dr. Fordham and Mr G. J. Golding a former member of the Chalfont St. Giles Parish Council attended for that Council.

Dr Fordham gave evidence that in or about 1950 he made inquiries from the local authorities as to the ownership of the land immediately in front of his residence with a view to improving it and received a non-committal reply from which he inferred that there was no objection to his proposed improvement. Thereafter over a period he has planted trees and cut the grass. Dr. Fordham's evidence in my view was to the effect that his planting of trees was permissive and in any event his use of the land was not over a period sufficient to give him a prescriptive title.

The piece of land claimed by Dr. Fordham is in the middle of the land in question and the Parish Council reasonably took the view that the whole of the land in question should be under unified control but there was no threat that it would undo the good work done by Dr. Fordham or be unwilling to co-operate with him in future.

On this evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 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 20th day of October 1975

C. A. Little

Commons Commissioner