



In the Matter of The Green,
Great Horwood, Aylesbury Vale
District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 0.41 of an acre known as The Green, Great Horwood, Aylesbury Vale District being the land comprised in the Land Section of Register Unit No. VG 69 in the Register of Town or Village Greens 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 Great Horwood Parish Council claimed (letter of 31 August 1977) ownership. No other person claimed to be the freehold owner of the land in question 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 Aylesbury on 19 June 1979. At the hearing Great Harwood Parish Council were represented by Mr W J Hanson their chairman and Mrs M A Macdonald their clerk; and Buckinghamshire County Council as registration authority were represented by Mr C D Durrant of their County Secretary and Solicitor's Department.

Mr Hanson who has lived in the Parish all his life (59 years), been a member of the Parish Council for about 20 years and their chairman for about 15 years, in the course of his evidence produced a paper dated 5 December 1968 by which the Warden and Scholars of Saint Mary College of Winchester in Oxford, in consideration of £1, released and discharged the Parish Council of Great Horwood from all future payments and claims in respect of the annual payment or quit rent of one shilling heretofore paid to the Warden and Scholars at Michaelmas in each year in respect of the Village Green at Great Horwood.

Mr Hanson said (in effect):- The Green is in the middle of the Village a little to the west of St James's Church. It is by and north and west of the Winslow to Stony Stratford road (B4034) which road runs through the Village. As he first remembered it, it was about three parts grass and one part hard gravel, and the road ran across it (the line of the road has since been altered, so the Green is wholly to the north and west); then by reason of car parking, the grass became less until in 1975 it was three parts gravel. In 1975 the Parish Council spent about £475 putting up bollards and kerbs on it, and tidying it up, so it is now about 50/50 grass and gravel. Ever since he could remember the Parish Council had accepted responsibility for the upkeep of the Green, and kept the surface in order. Before 1968 the Parish Council paid New College the above-mentioned quit rent of one shilling: since then the College have taken no interest in the land.

On the evidence above summarised, I conclude that the Parish Council are now and have for many years been in possession. Although the payment of the rent, was as long as it was paid some evidence that New College were the owners, their agreement to release and discharge it, and their subsequent inactivity in relation to the Green, enables me to conclude that their estate and interest in the land never amounted to as much as full ownership, or more than a mere right to receive a quit rent. In my opinion the Parish Council are in possession in circumstances in which it is practically certain that their possession will not be disturbed. Possession



in such circumstances is equivalent to ownership. I am therefore satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Great Horwood Parish Council as the owners 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 13th — day of July — 1979

a. a. Baden Fuller

Commons Commissioner