



In the Matter of The Village Green, Westcott,
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Westcott, being the land comprised in the Land Section of Register Unit No CL 46 in the Register of Commons 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Aylesbury on 4 October 1977.

There was no appearance at the hearing. Therefore in the absence of any evidence Mr Commissioner Baden Fuller was not satisfied that any person was the owner of the land and so stated in his decision dated 11 October 1977.

Upon an application made by the Westcott Parish Council Mr Commissioner Baden Fuller decided to set aside his decision and to re-open the hearing in order to give the Parish Council an opportunity to present its case.

I re-opened the hearing at Aylesbury on 27 June 1978.

At the hearing the Parish Council was represented by Mr P Benneson, of counsel.

I was informed that the land now forming the parish of Westcott was the subject of an inclosure award made in 1765, but there was no evidence as to how the land the subject of this reference was allotted by the award. In 1930 the land surrounding this land was sold to the Crown Estates Commissioners, and in reply to an enquiry by the purchasers as to the ownership of this land the vendor's agent stated in a letter dated 21 August 1930 that it was vested in "the local authority".

Since 1949, and possibly earlier, the Parish Council has kept the land tidy. In 1952 the Parish Council gave permission for the construction over part of the land of an approach road to a bungalow built on adjoining land. No local authority other than the Parish Council has claimed to be the local authority referred to in the letter of 21 August 1930.

On this evidence I am, with some hesitation, satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register the Westcott Parish Council as the owner 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 5th day of

July

1978

CHIEF COMMONS COMMISSIONER