



In the Matter of an extension of
 Roborough Common, Roborough,
 Torridge District, Devon

DECISION

This reference relates to the question of the ownership of land being an extension of Roborough Common, Roborough, Torridge District and being the land comprises in the Land Section of Register Unit No CL 268 in the Register of Common Land maintained by the Devon 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, Roborough Parish Council claimed (letter of 26 January 1979) ownership of the land in question. No other person claimed to be the freehold owner 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 Barnstaple on 10 May 1979. At the hearing Roborough Parish Council were represented by Mr T W Hookway one of their members, and Mr J L H Arkwright, on whose application Rights Section Entry No 1 was made, attended in person.

The land ("the Unit land") in this Register Unit according to the Register, contains about $1\frac{1}{2}$ acres and is a long strip on the east side of and open to the B3217 road. It was registered in consequence of Mr Arkwright's application for registration of rights over the Unit Land and the land in Register Unit No CL145.

Mr Arkwright produced an extract from the CL145 registrations which showed him to have been registered as owner of all the CL145 land, being, as I understood him, a comparatively very large area situated on the west side of the road and on the Register map called Roborough Common (now all enclosed). Mr Arkwright described the Unit land as a grass verge.

Mr Hookway said that the CL145 land (Roborough Common) was taken over during the war by the War Agricultural Committee, and was afterwards under an Act of 1952 acquired by the Ministry of Agriculture under a compulsory purchase order, which order did not extend to the Unit Land.

In my opinion I cannot infer from Mr Arkwright's undisputed registration as the owner of CL 145 land that he is also the owner of the Unit Land. Although it may be that at one time both these lands were (like the Unit Land) open to the road and might therefore have been regarded as one piece of land, they have since been dealt with differently and are now distinct.

In the absence of any 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.

TURN OVER



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 21st — day of June — 1979

a. a. Baden Fuller

Commons Commissioner