



COMMONS REGISTRATION ACT 1965

Reference No 209/U/14

In the Matter of The Green,
Woolfardisworthy, otherwise
Woolsery, Torridge District,
Devon

DECISION

This reference relates to the question of the ownership of land known as The Green, Woolfardisworthy, otherwise Woolsery, Torridge District being the land comprised in the Land Section of Register Unit No VG. 78 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no 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 Barnstaple on 15 November 1977. At the hearing Woolsery Parish Council were represented by Mr H E Vanstone their chairman.

Mr Vanstone said that the land had always been regarded as a village green and that the Parish Council although they had always maintained it could offer no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register Woolsery Parish Council as the owner of the land under section 8(3) 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 7th - day of June - 1977

W. A. B. Fuller

Commons Commissioner



I consider I ought to give full effect to it, particularly to the statement made by Mr Furze and conclude that the Parish Council as the presumed owners of all Parish land, are in possession of the Unit Land in circumstances which makes it practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent of ownership.

For this reason I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Devon County Council, as registration authority, to register Sutcombe 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 8th - day of December — 1977

C. A. B. J. J. J.

Commons Commissioner