



COMMONS REGISTRATION ACT 1965

Reference No 209/U/22

In the Matter of the Recreation Ground,  
Bovey Tracey, Teignbridge District,  
Devon

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DECISION

This reference relates to the question of the ownership of land containing about  $7\frac{1}{2}$  acres known as The Recreation Ground, Bovey Tracey, Teignbridge District being the land comprised in the Land Section of Register Unit No VG. 89 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: (1) the General Secretary of Commons, Open Spaces and Footpaths Preservation Society (the registration was made on their application) informed the Clerk of the Commons Commissioners that their application was based on an Award dated 12<sup>th</sup> February 1866 for the inclosure of Bovey Heathfield, the relevant paragraph of which read "...allot ...unto Charles Aldenburgh Bentinck Indio...all that...land numbered 37 on the said map containing seven acres and twenty perches to be held by him... subject to the obligation of...permitting such land to be at all times used as a place for exercise and recreation for the inhabitants of the said parish and neighbourhood"; (2) Bovey Tracey Town Council claimed ownership under an indenture dated 9 December 1921 by which Mr Henry Aldenburg Bentinck conveyed to Bovey Tracey Parish Council "all that...land...numbered 37 on the Map annexed to an Award dated...(22 February 1866) for the Inclosure of Bovey Heathfield...and containing...(7a.20p.)...numbered 438, 439 and 440 on the Ordnance Map..."; and (3) Mr W R Bond of Pullabrook, Bovey Tracey gave some information about the unenclosed lands of Bovey Tracey and the Lord of the Manor. 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 Exeter on 17 November 1977. At the hearing Bovey Tracey Town Council were represented by Mr S O Rollinson solicitor with Teignbridge District Council, and Mr Bond attended in person.

Mr Rollinson in the course of his evidence produced the 1921 indenture (it is in the possession of the Town Council) and said that the land is laid out as a playing field, being used for football, tennis and cricket.

Mr Bond read a statement which amplified in some respects the information he had (as above stated) given before the hearing.



reference to the subject of these proceedings I am limited to the question of the ownership of the Unit Land. Mr Dark said nothing which would cast any doubt upon the Parish Council's ownership of the Unit Land, and indeed when I showed him a copy of the Register map on which the Unit Land was marked with a green edging, he said that he was not interested in such piece of land.

As regards all the Unit Land except the Very Small Triangle, the 1848 Award shows that it was allotted to the Churchwardens and Overseers, and accordingly the Parish Council as their successors in title are under the Award now the owners; further they are in possession. As to the Very Small Triangle, it seems likely → from the information supplied to me by Mr Johns and Mr Dark that the Parish Council regularly became the owners of it under conveyances made in or about 1931; however this may be, on the evidence of Mr Johns I am satisfied that the Parish Council now have a possessory title to this. For these reasons I am <sup>Unit</sup> 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 Instow 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 *17<sup>th</sup>* day of *December* \_\_\_\_\_ 1977

*a a Bacon*

Commons Commissioner