



COMMONS REGISTRATION ACT 1965

Reference No. 14/D/37

In the Matter of Old Town Sand and
Gravel Pits, St. Leonards and St.
Ives, Wimborne D., Dorset

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.91 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. OB 131 made by Ringwood and Fordingbridge Rural District Council and noted in the Register on 2 December 1969.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 16 April 1975. At the hearing St. Leonards and St. Ives Parish Council were represented by Mr. J. Wilding, their clerk.

The land ("the Unit Land") comprised in this Register Unit is a tract of about 5 acres. The registration was made on the application of Major P.E. Stamp, and an application by the Parish Council has been noted. There are no Entries either in the Rights Section or in the Ownership Section of the Register, although there is a note that the Unit Land has been registered under the Land Registration Acts 1925 and 1936 under Title Nos. HP42344, HP52373 and HP45691. The grounds stated in the Objection are: "The land was not common land at the date of registration. Any rights of common which may have existed prior to that date have long since been extinguished".

In letters dated 22 May 1974 and 3 April 1975 New Forest District Council (the successors of the Rural District Council) said (in effect) :- When the Objection was made, the Unit Land was shown in the draft local plan as having development potential, and the Council were anxious to protect the rate payers in the light of the registration made by Major Stamp. Since that time the Council has agreed that the Unit Land should be designated as a public open space ultimately to be administered as such by the Parish Council. Under the present circumstances the District Council considers that it matters very little whether the land is registered as a common or not. They do not feel able to produce any evidence in support of their Objection.

In a letter dated 4 April 1975, Major Stamp said :- "I hereby withdraw my application to register the land under the Commons Registration Act 1965".

Mr. Wilding said (in effect) :- The Parish Council's application (made by their previous clerk Mr. R.E.J. Hargreaves and noted on the Register) has not been withdrawn. A registration made pursuant to a similar application in respect of an area of 1.2 acres adjoining on the southwest, has become final (Register Unit No. CL.236). The Unit Land used to be a public gravel pit. It should be preserved as a public open space for the Parish. He had known the land for the last six years.



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If Major Stamp had never made his application, the Unit Land would have been registered as common land pursuant to the application of the Parish Council. If the District Council had never made their Objection this registration would have become final by the operation of sections 4 and 7 of the 1965 Act. In the circumstances outlined above, I conclude that my proper course is to produce the same result.

For these reasons I confirm the registration without any modification.

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 May

1975

a. a. Baden Fuller

Commons Commissioner