



In the Matter of Recreation Allotment,
Woodfords Water, Dorset

DECISION

This dispute relates to the registration at Entry No 1/1 in the Land Section of Register Unit No. VG/27 in the Register of Town or Village Greens maintained by the Dorset County Council and is occasioned by Objection No. 1098 made by S L Mitchell and noted in the Register on 11 April 1973.

I held a hearing for the purpose of inquiring into the dispute at Weymouth on 21 November 1979. The hearing was attended by Mr P Clayden, Secretary of the Commons, Open Spaces and Footpaths Preservation Society ("the Society").

The registration was made on the application of the Society. The Objection was made by Mr Mitchell on behalf of Buckland Newton Parish Council ("the Parish Council") on the ground that this was not a Village Green as defined in the Commons Registration Act 1965.

Mr Clayden referred me to an Enclosure Award dated 19 December 1854 by which the land in question was allotted to the Churchwardens and Overseers of the Parish of Buckland Newton as a place of recreation for the inhabitants of the Parish. In the light of this award and in the absence of any evidence in support of the Objection it is difficult to understand the stated ground of the Objection, and I shall confirm the registration.

Mr Clayden asked for an order for costs against the Parish Council. In a letter dated 17 July 1979 the Society had invited the Parish Council to seek a decision by consent, but had no reply until this month when in a letter of 3 November the Parish Council indicated that it was going to be represented at the hearing. A letter from the Parish Council's solicitors, dated 19 November, but received after the hearing, stated that in the circumstances there would appear to be no objection to the registration of the land as town or village green and that the objection was withdrawn.

I think that the Society is entitled to its costs and I direct payment of such costs on Scale 4 by the Parish Council.

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

17 December

1979

L. J. Morris Smith

Commons Commissioner