



COMMONS REGISTRATION ACT 1965

Reference No 210/U/32

In the Matter of the War Memorial,
Aldersholt, Wimborne District, Dorset

DECISION

This reference relates to the question of the ownership of land containing about 0.06 of an acre known as the War Memorial, Aldersholt, Wimborne District being the land comprised in the Land Section of Register Unit No. CL 159 in the Register of Common Land maintained by the Dorset 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 ownership of the land at Poole on 17 June 1980. At the hearing Aldersholt Parish Council on whose application the registration was made, were represented by Mr D J H Pattle their vice chairman.

Mr Pattle who has lived for 43 years in the Parish (since he was 3 years old), has served on the Parish Council for 19 years and been their chairman for 13 years (up to May 1980) in the course of his evidence said (in effect):- A War Memorial (a stone monument) was erected on this land in the early 1920's; after the 1939-45 war, the Parish Council arranged for names to be added. In front of the monument (a stone cross on a stone base) there is a grass area; around the land is the driveway to St James Church. The Parish Council have no documentary title to the land, but they have ever since the 1920's maintained it by keeping the grass mown, and keeping the small flower bed on it planted with flowers. For this maintenance and as far as he knew the original erection the Parish Council had never asked permission.

On the evidence summarised above I conclude that the Parish Council are in possession and that their possession is unlikely to be disturbed. Possession in such circumstances is equivalent to ownership; I am therefore satisfied that the Parish Council are the owners of the land, and shall accordingly direct the Dorset County Council, as registration authority, to register Aldersholt Parish Council as the owners 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 7th — day of July — 1980

a. a. Baden Fuller

Commons Commissioner