

COMMONS REGISTRATION ACT 1965

Reference No 13/U/153

In the Matter of Alkerton Green, Eastington, Gloucester D

## DECISION

This reference relates to the question of the ownership of land known as Alkerton Green, Eastington, Gloucester D being the land comprised in the Land Section of Register Unit No CL. 249 in the Register of Common Land maintained by the Gloucestershire 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 Eastington Parish Council and Mr R C Cozens claimed to be the freehold owner of the land in question and no other 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 Gloucester on 13 October 1977.

Hr R H Tudor and Mr L C French chairman and vice chairman respectively of the Eastington Parish Council appeared for their Council and Mr R C Cozens appeared in person.

from time to time cut the grass on the land in question at the request of the Parish Council. On occasions when the cut grass was suitable he has taken it away as hay for his own use. In 1966 Mr Cozens wished to build an access road to his farm across the land in question and he obtained permission from the Parish Council to build the road on terms. The agreement cannot now be found no doubt because it was never executed because Mr Cozens' solicitor discovered that the Parish Council had no title to the land. Mr Cozens very frankly told me that it was only when he discovered in 1965 that the Parish Council had no title that he thought he could claim ownership of the land. Insofar as Mr Cozens cut the grass and took hay from the land at the request and with the permission of the Parish Council these activities were permissive and were not the act of an owner which could result in his acquiring a possessory title.

In the other hand I take the view that the activities of the Parish Council, which tried and failed to ascertain the true owner in 1966, and which amounted to no more than keeping the land tidy were not such as have enabled the Council to acquire a possessory title.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 29 day of October

1977

Commons Commissioner

1 A Settle