



COMMONS REGISTRATION ACT 1965

Reference No. 213/U/95

In the Matter of the Piece of land known
as Parish Pound, Donnington

DECISION

This reference relates to the question of the ownership of land known as Parish Pound Donnington being the land comprised in the Land Section of Register Unit No. CL.140 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 Kenneth Edward Jones, Toni Elizabeth Jones, Carolyn Jones and Ada Jones claimed to be the freehold owners of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cheltenham on 31 March 1982.

Mr W G Davies, of Kendall & Davies, Solicitors of Bourton -on-the Water, appeared for the claimants.

Mrs Fanny Rosemund Foster said that she and her husband had occupied and farmed Weasel Barn Farm from 1949 to 1981. Until 1969 they were tenants and in September 1969 they purchased the freehold at auction. Throughout their occupation the register unit was occupied by them as part of the farm but it was not included in the Conveyance to them. The unit backed on to the farm house and they had always used it as a rear access. The unit was surrounded by a wall on the northern and east sides and there was a gap in the east side in which they placed a gate which was kept shut.

The previous tenant had kept pigs on the unit and was overgrown when they took over. They had cut back the weeds and turned the unit into a flower garden. They sold the farm including their interest in the unit to the claimants in 1981.

Mr Davies put in a statutory declaration by Mr Foster dated 17 June 1981.

Mr and Mrs Foster on 17 June 1981 conveyed Weasel Barn Farm including their interest in the register unit to the claimants.

On this evidence I am satisfied that the claimants are the owners of the land, and I shall accordingly direct the Gloucestershire County Council, as registration, to register them 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

15th

day of

April

1982

George Bennett
Commons Commissioner.