



COMMONS REGISTRATION ACT 1965

Reference No 13/U/161

In the Matter of Willersey Quarry,
Willersey, Cotswold D

DECISION

This reference relates to the question of the ownership of land known as Willersey Quarry, Willersey, Cotswold D being the land comprised in the Land Section of Register Unit 1 No CL. 282 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 Willersey Parish Council 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 6 April 1978.

Mr Ainge the Clerk to the Willersey Parish Council appeared and provided me with a written history of the land in question, which commenced with a Parish Award of 1767, whereby the land was allotted to John Scott and William Whitehead and their heirs upon trust for the owners and occupiers of lands in the Parish for supplying road mending materials. Mr Ainge's understanding is that Scott and Whitehead were overseers of the Parish, but in my view even if this was the case the allotment was not to them as overseers; it was to them and their heirs and not to the overseers for the time being. In my view the Parish cannot establish a title based on the award.

However in 1927 there was a dispute between the Parish and the adjoining owner Capt Burgess which was compromised on terms that Capt Burgess confirmed the title of the Parish in writing and he received a quantity of stone and compensation for the stone taken by the Parish from his land. In 1966 the Council leased part of the land to the Broadway Golf Club at a rent of £10 pa.

I assume that Capt Burgess and his successors are the only other potential claimants to the land and even if they had appeared they would in my view be estopped from pursuing a claim by reason of the agreement for good consideration in 1927. For this reason and for the reason that the Council has been for almost 12 years in receipt of rent for part of the land.

I am satisfied that Willersey Parish Council is the owner of the land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register *Willersey Parish Council* 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 14th day of April

1978

L A Little