



In the Matters of Goose Green, Kingsley,
Kingsley Common (part), Kingsley

DECISION

These disputes relate to the registrations at (A) Entry No. 1 in the Land Section and Deemed Rights in the Rights Section of Register Unit No. VG 157 in the Register of Town or Village Greens maintained by the Hampshire County Council: (B) Entry No. 1 in the Land Section and Entries No. 1, 3, 4, 5 and 6 of the Rights Section of Register Unit No. CL 173 in the Register of Common Land maintained by the Council: (C) Entry No. 1 in the Land Section and Entries No. 1, 3, 4, 5 and 6 in the Rights Section of Register Unit No. CL 132 in the said Register of Common Land and are occasioned by (1) Objection No. OB 662 to the Entries referred to in (A) above made by the Highways Department of the County Council and noted in the Register on 22 February 1972: (11) the conflicting registration between the entries in the Land Sections referred to in (A) and (B) above: (111) the conflicting registration between the entries in the Land Section referred to in (A) and (C) above.

I held a hearing for the purpose of inquiring into the disputes at Winchester on 13 February 1980. The hearing was attended by Mr A J P Biddick, Articled Clerk in the Legal Department of the County Council, Mr J H Ellis, Chairman of Broxhead Commoners Association, representing the applicants (or their successors) for registration of rights, and Mr D Barker, Solicitor, of the firm of Tanner and Taylor, on behalf of the applicant for registration of CL 132 as common land.

Objection No. OB 662 was withdrawn by the Council.

The registration as village green, VG 157 was made on the application of Mr W F Moore. The registration as common land CL 173 relates to land which forms the south eastern strip part of VG 157 and was made on the application of the Chairman of Kingsley Parish Council. There are five rights of common registered but it appeared that the five applicants (or their successors) had agreed to withdraw their rights and that the south eastern strip should be confirmed as village green. Accordingly I confirm the registration of that strip as village green (with no deemed rights) and refuse to confirm the registrations in the Land and Rights Sections of CL 173.

The registration as common land CL 132 relates to the remaining part - the north western strip of VG 157 and was on an application made on behalf of the trustees of B. J. Nicholson deceased, for whom Mr Barker appeared. No one appeared to support the registration as village green, and there is support for the registration as common land in the fact that there are rights of common registered. It appeared that the rights holders were prepared to consent to the withdrawal of their rights if the registration as village green were confirmed, but in the circumstances I think the right cause is to confirm the registrations in the Land and Rights Section of CL 132 and refuse to confirm the registration of this strip of land as village green: and this I do.



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

13 March

1980

L. J. Mans Smith

Commons Commissioner