



In the Matter of The Gravel Pit, Longparish
Test Valley B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.138 in the Register of Common Land maintained by the Hampshire 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 ("the unit land") or 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 Winchester on 29 January 1985. At the hearing the Longparish Parish Council was represented by its Chairman, Mrs M J Darrah, and claimed ownership. No other claimant appeared.

By an Inclosure Award made in 1804 under the West Aston & Middleton Inclosure Act of 1802 the unit land was awarded to the Surveyor of the Highways of Middleton as a public gravel pit to be used by the Surveyors and local land holders for the repair of public and private roads and ways. Under the provisions of the Local Government Acts of 1844 and 1972 it would appear that the ownership of the unit land would have vested first in Middleton Rural District Council and ultimately in the County Council. No claim however was put forward by the County Council and there is no evidence that the unit land was ever treated as highway property.

Mrs Darrah said that the Parish Council had for many years regarded the unit land as being in the Parish Council's ownership and this is *borne out* by references in its minutes over the years. It appears that there has been little if any gravel extraction by any person since the 1890's. There was no evidence of activities by the Parish Council in relation to the unit land which *amounted to possession*. ~~provision~~ of the land or constituted acts of ownership, and on the evidence I am not satisfied that any person is the owner of the unit land; 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

13th

day of

May

1985

L. J. Urwin Smith

Commons Commissioner