



In the Matter of The Green (part), Appleshaw,
Hampshire (No. 2)

DECISION

This reference relates to the question of the ownership of land known as The Green (part), Appleshaw, being the part of the land comprised in the Land Section of Register Unit No. VG 165 in the Register of Town or Village Greens maintained by the former 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 and no one 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 Winchester on 22 January 1975.

At the hearing the Appleshaw Parish Council appeared by its Clerk, Mr E P Woolgrove. Mr Woolgrove had no evidence as to the ownership of the land in question, so I decided to direct the Hampshire County Council as registration authority, to register the Parish Council as the owner of the land under section 8(3) of the Act of 1965.

On 11 March 1975 Messrs Dawson & Co., solicitors, informed the Clerk of the Commons Commissioners that a part of the land in question was included in a conveyance of Appleshaw Manor to their client Miss P S Schreiber in 1952. On being informed of this, Mr Woolgrove stated in a letter dated 28 March 1975 that the Parish Council readily consented to the case being re-listed for further hearing, adding that the deeds of Mr C J C F Cowlard, the Chairman of the Parish Council, showed ownership of the adjoining portion of the land the subject of the reference.

In pursuance of that consent, I re-opened the hearing at Winchester on 24 February 1977. Miss Schreiber was represented by Mr A J Blackett-Ord, of Counsel, and Mr Cowlard by Mr J R Henderson, solicitor.

The land comprised in the Register Unit consists of a long strip adjoining a road. Behind the strip lie houses and gardens belonging to Miss Schreiber and Mr Cowlard. The portion of the strip in front of Miss Schreiber's property was included in the parcels of a conveyance made 1 April 1952 between (1) Vernon Monro Colquhoun Napier and Lewis Bilton Smith (2) Alexander George Falkiner Monro (3) Pamela Shuldham Schreiber. Mr Woolgrove gave evidence that a bench had been placed on this part of the strip by the Parish Council at Miss Schreiber's suggestion and that the Parish Council did not dispute her ownership.

The portion of the strip in front of Mr Cowlard's property was conveyed to him by a conveyance made 6 June 1969 between (1) Edward Noble Sheppard, Christopher John Charles Fleetwood Cowlard and Fleetwood Kempson Pyne (2) C J C F Cowlard. Mr Sheppard had a good root of title in a conveyance made 28 September 1934.



On this evidence I am satisfied that Miss Schreiber and Mr Cowlard are the owners of the parts of the land included in their respective conveyances, and I shall accordingly direct the Hampshire County Council, as registration authority to register them as the owners of those parts of the land under section 8(2) of the Act of 1965. In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, and I shall accordingly direct the County Council to register the Appleshaw Parish Council as the owner of that part of the land under section 8(3) 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

25th

day of

April

1977

Chief Commons Commissioner