



COMMONS REGISTRATION ACT 1965

Reference No. 214/D/151

In the Matter of The Green, Rowlands Castle,
East Hampshire District, Hampshire

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. VG 71 in the Register of Town or Village Greens maintained by the Hampshire County Council and is occasioned by Objection No. OB 269 made by the said Council and noted in the Register on 5 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 20 March 1979, At the hearing (1) Rowlands Castle Parish Council on whose application the registration was made, and who are in the Ownership Section registered as the owners of all the land, were represented by Mr M C West their chairman and Mrs E M Byrom one of their members; and (2) Hampshire County Council were represented by Mr E Mason senior assistant solicitor with the Council.

The land in this Register Unit is (according to the Register) about 2.165 acres and comprises two pieces each about 80 yards long separated by the carriageway of a public highway. The grounds of Objection are:- "at the time of registration not all the land was village green but part is highway verge as shown on the attached plan; also bridleway No. 24 runs along western boundary of land". The attached plan shows verges 3 feet wide all round the north piece and on the north side of the south piece.

Mr Mason said that after discussion the County Council and the Parish Council had reached a compromise which provided for the confirmation of the registration with the modification below specified. I consider that I should give effect to this compromise, and accordingly (Mr West and Mrs Byron being agreeable) I confirm the registration with the modification that there be removed from the Register the existing made up footway running along the north side of the south piece and having an average width of approximately 2.2 metres. It was agreed that I record that the County Council has no present intention of widening the adjoining carriageway.

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 31st day of April 1979.

B. J. Fuller

Commons Commissioner