



COMMONS REGISTRATION ACT 1965

Reference No 14/U/142

In the Matter of the Recreation
Ground, Colden Common, Winchester CC

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Colden Common, Winchester CC being the land comprised in the Land Section of Register Unit No CL. 230 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 Colden Common 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 Winchester on 3 and 5 May 1978.

Mr G A Moss of Messrs Shenton Pitt Walsh & Moss appeared for Colden Common Parish Council and I was provided with an affidavit sworn by P G V Mackey a Higher Executive Officer of the Charity Commission to which was exhibited an order dated 14 September 1937 made by the Board of Charity Commissioners for England and Wales whereby the land identified in the Schedule thereto was vested in the Parish Council being the land coloured pink on the plan annexed to a Deed of Gift dated 25 May 1951 made between C F Nixon and the Parish Council whereby the land coloured yellow on the said plan was conveyed to the Parish Council. The lands coloured pink and yellow did not include a small parcel of land at the northeast corner of the land in question and on 5 May M/s Brumpton a member of the Parish Council gave evidence that she had lived at Colden Common for 15 years and known the Recreation Ground for 16 or 17 years and that this small parcel of land had always been fenced and part of the Recreation Ground and had been cared for and treated as part of the recreation ground and I am satisfied that the Parish Council has a possessory title to the small parcel of land.

On this evidence I am satisfied that Colden Common Parish Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register Colden Common 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 23rd day of May 1978

G A Little