



In the Matter of Castle Haven, Niton,
Isle of Wight

DECISION

This dispute relates to the registration at Entry No. 7 in the Land section of Register Unit No. VG 4 in the Register of Town or Village Greens maintained by the Isle of Wight County Council and is occasioned by Objection No. VG/OBJ/1 made by Mr L F Wayman-Hales and noted in the Register on 26 August 1969.

I held a hearing for the purpose of inquiring into the dispute at Newport on 17 November 1977. The hearing was attended by Mr D C Blundell, solicitor, on behalf of the Niton Parish Council, the applicant for the registration, and Mr J C Foulsham, whose application for registration was noted under section 4(4) of the Commons Registration Act 1965. There was no appearance by or on behalf of the Objector, but he stated in a letter dated 16 November 1977 that he wished to withdraw the Objection, provided that the area comprised in the Register Unit should be no more extensive than that comprised in Mr Foulsham's application.

There is on the eastern side of the land comprised in the Register Unit a small hut. This hut is clearly excluded from the large-scale plan attached to Mr Foulsham's application and it is apparently also excluded from the small-scale plan attached to the Parish Council's application, but it appears to have been included in the copy of the Register Map accompanying the reference. Mr Blundell, however, said that both his clients were agreed that the hut, if included in the Register Unit, should be excluded.

In these circumstances I confirm the registration with the following modification:- namely the exclusion of the hut, should such modification be requisite.

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 20th day of December 1977

Chief Commons Commissioner