

In the Matter of Luccombe Common, Shanklin,
Isle of Wight

DECISION

This reference relates to the question of the ownership of land known as Luccombe Common, Shanklin, being the land comprised in the Land Section of Register Unit No. VC 9 in the Register of Town or Village Greens maintained by the Isle of Wight 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 Ryde on 15 May 1981.

At the hearing the South Wight Borough Council was represented by Mrs P Paterson, solicitor, and I gave leave for Mr H Minster to represent his mother.

Mr Minster produced his mother's title deeds from which it appeared that the land in which she was interested was not comprised in the Register Unit.

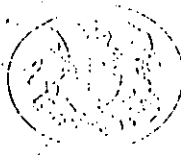
Mrs Paterson informed me that she believed that much of the land comprised in the Register Unit belonged to the National Trust and that a small part might belong to Mr J Ripassa.

Enquiries made in consequence of Mrs Paterson's information elicited the following evidence.

By a conveyance made 16 June 1977 between (1) David Gordon Stableford (2) The National Trust for Places of Historic Interest or Natural Beauty there was conveyed to the National Trust a property known as Luccombe Farm, which included two areas forming part of the land the subject of the reference.

By a conveyance made 7 July 1977 between (1) John Frederick Harnett and Edna Kathleen Harnett (2) John Wilhelm Maindelt Ripassa and Helene Margerithe Ripassa-Reisner there was conveyed to Mr Ripassa and Mrs Ripassa-Reisner a property known as Luccombe Tea Gardens, which included a small part of the land the subject of the reference.

On this evidence I am satisfied that the National Trust and Mr Ripassa and Mrs Ripassa-Reisner are the owners of parts of the land, and I shall accordingly direct the Isle of Wight County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.



In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land and I shall accordingly direct the County Council to register the South Wight Borough Council as the owner of that part 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

16th

day of

July

1982

[Handwritten signature]

Chief Commons Commissioner