



In the Matter of Matfield Green,
Brenchley, Kent

DECISION

This reference relates to the question of the ownership of the land known as Matfield Green, Brenchley being the land comprised in the Land Section of Register Unit No. CL 97 in the Register of Common Land maintained by the Kent 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 Brenchley 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 Maidstone on 8 February 1979.

At the hearing Mr J Wish, Chairman of Brenchley Parish Council, appeared and claimed ownership on its behalf: no one else attended.

By a Deed of Gift dated 27 July 1950 Walter Marchant conveyed the land to the Parish Council subject to the immemorial custom of the inhabitants of the Parish of playing games and enjoying recreation thereon. The land is used for recreational purposes: the Council has erected a fence and chains to deny access to vehicles, and maintains the land in conjunction with the local cricket club.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Kent County Council as registration authority, to register Brenchley 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

LS^k

day of

March

1979

L. J. Morris Smith

COMMONS COMMISSIONER