



In the Matter of The Green, Fordcombe, Penshurst, Kent.

DECISION

This reference relates to the question of the ownership of land known as The Green, Fordcombe, Penshurst, being the land comprised in the Land section of Register Unit No. CL 92 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 the Trustees of the Ashurst Settlement claimed to be the freehold owners 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 26 March 1981.

There was no appearance at the hearing, but before the hearing the Clerk of the Penshurst Parish Council stated in a letter dated 5 March 1981, addressed to the Commons Commissioners, that his Council did not dispute the Trustees' ownership. Therefore, in order to save expense, I gave leave to the Trustees' solicitors to produce their title deeds to me in London.

The land in question was vested in trustees by a vesting deed made 20 June 1936 between (1) Charles George Field-Marsham (2) Robert Edward Field-Marsham (3) Katherine Dorothea Geraldine Mary Northcliffe Wrotham (4) Charles Austin Field-Marsham and Anthony Cuthbert Morris-Marsham on the marriage of R E Field-Marsham and K D G M N Wrotham. The present trustees of this settlement are Mr Cloudsley George Bullock Marsham and Mr John Anthony Craven.

On this evidence I am satisfied that Mr C G B Marsham and Mr J A Craven are the owners of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register them 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

15th

day of

April

1981

Chief Commons Commissioner