



COMMONS REGISTRATION ACT 1965

Reference No.19/U/24

In the Matter of The Village Green,Lamberhurst, Kent.DECISION

This reference relates to the question of the ownership of land known as The Village Green, Lamberhurst, being the land comprised in the Land Section of Register Unit No.C.L.27 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 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 Maidstone on 15th January 1974.

At the hearing Mr. G.C. Honnywill, solicitor, appeared for the Lamberhurst Parish Council.

The recorded history of the land the subject of this reference begins with an entry in the minute book of the Vestry of Lamberhurst on 20th November 1886 recording the appointment of a committee for the purpose of taking the necessary steps to enclose the waste piece of ground in the centre of the village, on which stood the Victoria Oak, either with a wooden or iron fence, so as to abate the public nuisance caused by travelling hawkers placing their vans upon it.

The minutes of the Vestry meeting held on 24th March 1890 contain a copy of a letter from Mr. Edward Hussey, of Scotney Castle, offering on behalf of himself, his heirs and assigns to resign in favour of the parishioners of Lamberhurst all claims and responsibility that might belong to him in respect of the piece of waste ground, on which stood the Victoria Oak, and enclosed with posts and chains, as having been originally part of the Scotney Estate and sold by him to the Trustees of the Turnpike Roads, but afterwards abandoned by them and left as waste land. Mr. Hussey stated that he was willing to sign any deed to that effect which might be prepared.

No such deed can now be found, but it appears from entries in the minute books of the Parish Council that the Parish Council has acted as if the land belonged to it. In 1969 it caused the Victoria Oak to be felled and another tree to be planted as a replacement and it has also granted permission to the Post Office to erect a telegraph pole on the land.

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



-2-

authority, to register the 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 11th day of February 1974

A handwritten signature in black ink, appearing to read 'G. D. Lewis', written over a horizontal line.

Chief Commons Commissioner