



In the Matter of 1. Land at Nuffield Hill and Gangsdown Hill, Nuffield; 2. Land at Ipsden Heath, Ipsden; 3. Land at Newnhamhill Common and West Side of Notwood Lane, Stoke Row and Woodland Strip, Stoke Row; 4. Land at Checkendon Common, Pittmans Shaw, Duffields Common and Kipping Hill, Checkendon, Oxfordshire

### DECISION

This reference relates to the question of the ownership of 1. Land at Nuffield Hill and Gangsdown Hill, Nuffield; 2. Land at Ipsden Heath, Ipsden; 3. Land at Newnhamhill Common and West Side of Notwood Lane, Stoke Row and Woodland Strip, Stoke Row; 4. Land at Checkendon Common, Pittmans Shaw, Duffields Common and Kipping Hill, being the part of the land comprised in the Land Section of Register Unit No. CL 50 in the Register of Common Land maintained by the Oxfordshire 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 Hon. Mrs N C Hermon-Worsley, Mrs Elsa Seward, Mr J Cook, Buckham Woodlands Trust, Abergale Woodlands Trust, the father of Mr K Stallwood, Mrs José Garsed, Mrs J A Cook, Mr and Mrs G P O Barratt, and Mr J A Burrell claimed to be the freehold owners of parts of the land in question, and Mr G Boyson 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 Oxford on 25 November 1982.

The land the subject of the reference consists of eight areas situate in four parishes. The inconvenience of including so many unconnected pieces of land in one register unit can best be obviated by writing what are, in effect, eight separate decisions.

#### (1) Land at Nuffield Hill, Nuffield

This is the land claimed by Mrs Seward, who was represented by Mr C J Ball, Solicitor.

The greater part of this land was conveyed to Mrs Seward by a Conveyance made 29 July 1954 between (1) Maria Elisa Ward (2) Elsa Seward. Mrs Seward has a good root of title in a Conveyance made 10 August 1938 between (1) Christian Service Union Incorporated (2) Evelyn Ramie Fradeletto.

#### (2) Land at Gangsdown Hill, Nuffield

The only appearance in relation to this land was that of Mr L A Garsden, who informed me that he was only interested in rights over the land and was not claiming to be the owner.

#### (3) Land at Ipsden Heath, Ipsden

There was no appearance in relation to this land.



(4) Land at Newhamhill Common, Stoke Row

This is the land claimed by Mr Burrell, who was represented by Mr R M Brough, Solicitor. Mr Brough stated that the present owner of this land was a member of the Stallwood Family of the Cherry Tree Public House, Stoke Row. However, in a letter dated 14 October 1982, addressed to the Clerk of the Commons Commissioners, Mr Burrell stated that the land was registered at the Gloucester District Land Registry under title No. 15656. The land in which Mr Burrell was interested therefore cannot be within my jurisdiction.

(5) Land comprising a former public pond on the West side of Notwood Lane, Stoke Row

The only appearance in relation to this land was by Mrs V O Williamson, the Clerk of the Stoke Row Parish Council, who had no evidence as to the ownership of the land.

(6) Woodland Strip, Stoke Row

This is the land claimed by Mr K Stallwood on behalf of his father, but there was no appearance by or on behalf of Mr Stallwood's father.

(7) Land at Checkendon Common, Pittmans Common, Pittmans Shaw and Duffields Common, Checkendon

This is part of the land claimed by Buckham Woodlands Trust and Mrs Cook.

At the hearing the Trust was represented by Mr C Fairweather, Solicitor, and Mrs Cook by Mr T Roberts, Solicitor.

The southern half of this land was conveyed to the Trustees of the Buckham Woodlands Trust by a Conveyance made 3 April 1969 between (1) John Russell Lang and Arthur Newton Edward McHaffie (2) Philip Leyland Kindersley and Allan Alexander Cameron.

The present Trustees have a good root of title in a Conveyance made 15 April 1958 between (1) Temple Construction Company Ltd (2) Ruben Hadrian Herbert (3) Kenneth Naismith Rankin and Philip Chichele Patten Thomas.

Most of the northern half of this land was the subject of a Conveyance made 31 March 1969 between (1) K B B Ltd (2) Arthur Sutherland Rowe (3) Leonard Jack Cook and Arthur Harry Cook. The vendors had a good root of title in a Conveyance made 14 January 1931 between (1) Sir James Gomer Berry and William Ewert, Baron Camrose (2) Sir J G Berry (3) Harold John Colebrook (4) Ernest William May. Mr L J Cook died on 25 March 1980, and his half share in the land was assigned to Mrs Cook by an assignment made 14 May 1982 between (1) Barclays Bank Trust Company Ltd and Brinley John Davey (2) Joan Adelaide Cook. Mr A H Cook died on 9 July 1980, and on 2 November 1982 Mrs Cook as his executive assented to the vesting in herself of the testator's half share in the land.

(8) Land at Checkendon Common, Kipping Hill, Checkendon.

This is the land claimed by Abergele Woodlands Trust, Mrs Hermon-Worsley and



Mr and Mrs Barratt. Abergele Woodlands Trust was represented by Mr Fairweather, Mrs Hermon-Worsley by Mrs C Lewis, Solicitor, and Mr and Mrs Barratt by Miss G D Stirzaker, Solicitor.

A small area in the south-western corner of this land was conveyed to the Trustees of the Abergele Woodlands Trust by a Conveyance made 16 March 1972 between (1) Ford Irvine Geddes and Keith Irvine Geddes (2) Robert Aylmer Hall and Anthony Nicholas John Sullivan. The vendors had a good root of title in a Conveyance made 5 July 1957 between (1) Temple Construction Company Ltd (2) Ruben Hadrian Herbert (3) F I Geddes and K I Geddes.

A strip on the eastern border of the land was conveyed to Mr and Mrs Barratt by a Conveyance made 29 September 1964 between (1) Roderic Joseph Beresford Gubbins (2) Gilbert Paul Osborne Barratt and Jean Barratt his wife.

The remainder of this land was conveyed to Mrs Hermon-Worsley by a Conveyance made 9 August 1948 between (1) Raynes (Reading) Ltd (2) The Hon. Nona Carol Hermon-Worsley.

On this evidence I am satisfied that Mrs Seward, the Trustees of the Buckham Woodlands Trust, Mrs Cook, the Trustees of the Abergele Woodlands Trust, Mr and Mrs Barratt, and Mrs Hermon-Worsley are the owners of parts of the land, and I shall accordingly direct the Oxfordshire 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, which will therefore remain subject to protection under section 9 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

16<sup>th</sup>

day of

December

1982

Chief Commons Commissioner