



COMMONS REGISTRATION ACT 1965

Reference No.2/U/54

In the Matter of Land adjoining Appleton Road,
Cumnor, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land adjoining Appleton Road, Cumnor, being the land comprised in the Land Section of Register Unit No.CL 36 in the Register of Common Land maintained by the former Berkshire 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 Oxford on 7th October 1975.

At the hearing the Cumnor Parish Council was represented by Mr F.H.G. Cheeseman, its Chairman.

About half of the land in question consists of a pond, the rest being the banks and an access way. Mr Cheeseman gave evidence that since 1947 the Parish Council has paid for the cleaning out of the pond and for keeping the rest of the land tidy. During this period no one has claimed to be the owner.

I find myself unable to hold on this evidence that the Parish Council has acquired a possessory title to the land. Such ameliorative work has not been adverse to the interests of the true owner, whoever he may be, and there is no reason why he should have objected. It does not appear to me that the Parish Council can be said to have been in adverse possession.

On this evidence I am not satisfied that any person is the owner of the land, and it 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 15th day of October 1975

Chief Commons Commissioner