



COMMONS REGISTRATION ACT 1965

Reference No.29/U/33

In the Matter of Land opposite Wheatsheaf House,
Southrop, Hook Norton, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land opposite Wheatsheaf House, Southrop, Hook Norton, being the land comprised in the Land Section of Register Unit No.CL.77 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 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 20th and 21st November 1973.

Mrs D.J.Windeyer appeared at the hearing and claimed to be the owner of part of the land the subject of the reference.

Mrs Windeyer produced a conveyance dated 17th September 1958 made between (1) George Harry Lancaster and Barbara Irene Lancaster (2) Winifrede Clark and a conveyance made 7th August 1965 made between (1) W. Clark (2) Dora Joyce Tildesley (now Windeyer), by virtue of which Mrs Windeyer is now the owner of a house known as Hillside Cottage and a detached garden.

Hillside Cottage is approximately in the centre of the land the subject of the reference and was conveyed to Mrs Windeyer with the benefit of rights of way across the "village green" surrounding it. The detached garden lies to the south of Hillside Cottage and its eastern boundary coincides with the eastern boundary of the land the subject of the reference. Mrs. Windeyer has lived in Hillside Cottage and has cultivated the detached garden since the completion of the purchase.

In addition to Hillside Cottage and the detached garden, which were conveyed to her, Mrs Windeyer also claims to be the owner of two other pieces of land and a shed lying to the north and south of the detached garden. Mrs Windeyer has no documents of title to any of this property. She bought the shed and one of the pieces of land for £50 shortly after the purchase of Hillside Cottage and she has been in undisputed possession of them ever since, but she cannot now find the deeds. The other piece of land lying to the south-west of the detached garden at one time had on it a stable occupied with Hillside Cottage, but at the time when Mrs Windeyer purchased Hillside Cottage this land had on it a rubbish dump and was to a large extent covered with nettles. About three years ago Mrs Windeyer began to remove the rubbish and to destroy the nettles and has been in possession of this land without



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objection from anybody.

The rest of the land comprised in the Register Unit is kept in order by the highway authority.

On this evidence I am satisfied that Mrs Windeyer is the owner of Hillside Cottage and the other land which she occupies, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register her as the owner of Hillside Cottage and the other land under section 8(2) of the Act of 1965.

In the absence of any evidence as to the ownership of the rest of the land comprised in the Register Unit I am not satisfied that any person is the owner of that 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 3rd day of August 1974

Chief Commons Commissioner