



COMMONS REGISTRATION ACT 1965

Reference No.2/U/72

In the Matter of Sutton Wick Green and Pond,
Drayton, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land known as Sutton Wick Green and Pond, Drayton, being the land comprised in the Land Section of Register Unit No.CL 77 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 Mr W.F.Caudwell claimed to be the freehold owner of part 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 Oxford on 8th October 1975.

At the hearing the Drayton Parish Council was represented by Mr J.C.Newman, its Clerk.

A search at the Land Registry has shown that the part of the land claimed by Mr Caudwell is registered under title No.BK 115403 and is therefore excluded from the reference. The remaining land comprised in the Register Unit consists of three portions. There is a triangular island area on which the Parish Council planted some trees in 1960 and on which it placed a seat in 1965. Then there is a triangular area to the south of Mr Caudwell's land, which was the site of the former parish pond and stocks. At a meeting on 18th January 1957 the Parish Council resolved to inform Mr C.C.Caudwell, Mr W.F.Caudwell's predecessor in title, that it had no objection to his planting small flowering shrubs on this land. Mr C.C.Caudwell thereupon planted the shrubs. Finally, to the north of Mr Caudwell's land there is a pond, which the Parish Council has cleaned out for many years.

On this evidence, I have come to the conclusion that the Parish Council has acquired a possessory title to the triangular island area, but I am not satisfied that it has been in adverse possession of the other two areas the subject of the reference.

I am therefore satisfied that the Parish Council is the owner of the triangular island area, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register the Parish Council as the owner of that part of the land under section 8(2) of the Act of 1965, but I am not satisfied that any person is the owner of the other two areas the subject of the reference, which will therefore remain subject to protection



-2-

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 27th day of October 1975

A handwritten signature in cursive script, appearing to read 'G. S. Smith', written in dark ink.

Chief Commons Commissioner