



In the Matter of The Bathing Place, Warborough,
Oxfordshire

DECISION

This reference relates to the question of the ownership of land known as The Bathing Place, Warborough, being the land comprised in the Land Section of Register Unit No. CL 118 in the Register of Common Land maintained by the former 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 Warborough Parish Council claimed to be the freehold owner 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 20 July 1978.

At the hearing the Parish Council was represented by Mr B L Deeds, its Vice-Chairman.

The land in question is said to have been given to the Parish Council by the late Mr William C. Bennett of Oatlands about 1920, but no deeds relating to this transaction can now be found and the Council's minute book for this period is also missing. However, it appears that in 1931 the Parish Council pollarded the willow trees on the land and repaired the wire fencing and in 1937 the Ministry of Health sanctioned payment by the Council for works of maintenance and repair. The Parish Council has kept the land in order and has in recent years taken down the elm trees on it.

With some hesitation, I have come to the conclusion that the Parish Council has acquired a title by adverse possession, even though the original gift by Mr Bennett cannot now be proved.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Oxfordshire County Council, as registration 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

3rd

day of

August

1978

[Handwritten signature]

CHIEF COMMONS COMMISSIONER