



In the Matter of West Hanney Village Green,
West Hanney, Berkshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.10 in the Register of Town or Village Greens maintained by the Berkshire County Council and is occasioned by Objection No.68 made by Mrs. Una Treble-Parker and noted in the Register on 21st October 1970.

I held a hearing for the purpose of inquiring into the dispute at Reading on 5th October 1972. The hearing was attended by Mr. S.P.B. Capel, solicitor, for the West Hanney Parish Council, the applicant for the registration, and by Mrs. Treble-Parker in person.

Mrs. Treble-Parker's objection relates to only a part of the land comprised in the Register Unit. The Register Unit consists of what are, in effect, two pieces of land, each of them sub-divided by paths. For the purposes of this case it is necessary to consider only the more southerly of the two main areas, which lies to the north of the parish church. This area is sub-divided into three by paths, and the objection relates to the sub-division forming the south-easterly portion of the main area. This piece of land lies to the north of the churchyard and to the west of the post office (otherwise known as Holmwood), which is Mrs. Treble-Parker's residence.

Mr. Capel did not call any witnesses. His only evidence was what purported to be an uncertified photostat of a nineteenth century map in the archives of New College, Oxford, to the admission of which Mrs. Treble-Parker did not object. This map did no more than indicate that the land in question then formed part of the highway. Mrs. Treble-Parker called her father, Mr. Walter Treble, who has lived in West Hanney since 1923. Mr. Treble said that a few schoolboys had played on the land in question from time to time. There was, however, no evidence that they were indulging in identifiable sports or pastimes which could be said to be either lawful or unlawful, or that they were playing on the land as of right. I therefore find myself unable to hold that this land falls within the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965.

I am now faced with the problem of how to dispose of this registration under section 6(1) of the Act of 1965. While an undisputed registration becomes final by virtue of section 7(1) of that Act, that section does not provide that any part of a registration which is not the subject of an objection shall become final by operation of law. It is therefore my duty to deal with the whole of the registration.

Such evidence as there was related only to the land which was the subject of the objection. I am thus left in the position of having no evidence that the remainder of the land comprised in the register unit satisfies the definition of "town or village green" in s.22(1) of the Act. However, the fact that there has been no objection in respect of this latter portion.



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indicates that everybody concerned is content that it should be registered as a town or village green. I am therefore going to exercise my discretion by confirming the registration with the modification that the land the subject of the objection is to be excluded, even though I am not satisfied that any of the land comprised in the register unit is a town or village green.

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 25th day of October 1972.

A handwritten signature in black ink, appearing to read 'G. D. L. Quill', written in a cursive style.

Chief Commons Commissioner