

In the Matter of Flower Pot Green, Spelthorne
District, Surrey

DECISION

This reference relates to the question of the ownership of land known as Flower Pot Green (between the River Thames near Sunburylock & Ait and Thames Street) Spelthorne District being the part of the land comprised in the Land Section of Register Unit No. VG50 in the register of Town or Village Greens maintained by the Surrey 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 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 Guildford on 6 November 1978. At the hearing Spelthorne Borough Council were represented by Mr C Braithwaite their Deputy Secretary.

Of the land in this Register Unit a comparatively very small strip south-east of and adjoining Thames Street is registered at HM Land Registry under the Land Registration Act 1925 to 1966 under Title No. MX63926. This reference relates to the remainder.

Mr Braithwaite produced a copy of the Byelaws made on 22 September 1954 by Sunbury-on-Thames Urban District Council (confirmed 26 November 1954) under sections 15 of the Open Spaces Act 1906 and section 164 of the Public Health Act 1875 for the regulation of the recreation grounds and open spaces therein mentioned (9 or 10 altogether, including Flower Pot Green). He said that the Council had no documents of title, and after some discussion that he was agreeable to me proceeding under sub-section (3) of section 8 of the 1965 Act, because any evidence he could give would be of control only.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Surrey County Council as

registration authority, to register Spelthorne Borough Council as the owner of the land under section 8(3) 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 28th day of November 1978.

a. a. Baden Fuller

Commons Commissioner