



COMMONS REGISTRATION ACT 1965

Reference Nos. 260/U/1

260/U/2

260/U/3

In the Matter of Goose Green, (2) School Green,
and (3) two allotments at Yate Rocks, all in Yate,
North Avon District, Avon

DECISION

These references relate to the question of the ownership of lands (1) known as Goose Green, (2) known as School Green, and (3) being two allotments containing about 0.45 of an acre at Yate Rocks, all in Yate, North Avon District being the lands comprised in the Land Section of Register Unit (1) No. VG.5, (2) No. VG.30, and (3) No. VG. 193 respectively in the Register of Town or Village Greens maintained by the Avon County Council (formerly Gloucestershire 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 these references, in a letter dated 22 February 1975 Yate Parish Council set out the effect, so far as relevant, of the Yate Inclosure Award 1845 and claimed ownership under it; and in a letter dated 4 February 1976 Commons Open Spaces and Footpaths Preservation Society said that these recreation allotments had been made under an Inclosure Act of 1842. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Bristol on 9 March 1976. At the hearing Yate Parish Council were represented by Mr H G Wheway, their clerk.

Mr Wheway, who has been clerk of the Parish Council since June 1974, and was before that from 1957 clerk of Sodbury Rural District Council, in the course of his evidence produced the Yate Inclosure Award dated 10 November 1845 (made under the Yate Inclosure Act 1842, 5 & 6 Vict.c.8), by which were allotted unto the Churchwardens and Overseers for the time being of the parish of Yate four pieces of land as places of exercise and recreation for the inhabitants of the said parish and neighbourhood, including "...ONE other piece of land...near the Lion Inn numbered 373 in the said Map containing three roods and sixteen perches... subject to the Turnpike Road from Yate to Wickwar...ONE other piece of land called Goose Green numbered 577 on the said Map containing two acres three roods and thirty six perches...ONE other piece of ground...near Yate Rocks numbered 711b on the said Map containing one rood and eleven perches...subject to the Road numbered LXV leading over the same".

Three days after the hearing, I inspected the lands.



As to the VG. 5 land (Goose Green):- This comprises six pieces of land at the road junction where Church Road turns east towards Yate Rocks. The pieces are grass land open to the road, with some trees, containing altogether (as I estimate) between 2 and 3 acres, obviously a valuable amenity to the nearby houses. Mr Wheway identified these pieces (together with some roadside verges to the north) with those numbered 373 on the Award map. Although there may have been some changes in the boundaries since 1845, I think it likely that this land then looked much as it does now. I am accordingly satisfied that the Parish Council are the owners as successors in title by operation of law of the Churchwardens and Overseers.

As to the VG. 30 land (School Green):- This comprises three pieces of grass land; one is between the main road (Church Road) on the southeast and the tarred open space (used as a carpark) between it and the Church and School premises on the north and northeast; the other two pieces are on the other side of the main road. Mr Wheway identified these pieces with part of the land numbered 577 on the Award map. There has been much recent development around this land, particularly to the south, and I infer that it must in 1845 have looked very different from now. However even although by reason of road-widening and other works, the VG. 30 land may be considerably smaller than, it is I think certainly included in, that numbered 577 in the Award Map. Accordingly I am satisfied that the Parish Council is now the owner.

As to the VG. 193 land (at Yate Rocks):- This comprises two pieces of rough land by a road leading northwards from the ford near the group of houses called Yate Rocks. The pieces are uneven, and in places steep; they are crossed by paths and tracks leading to nearby houses and fields. Mr Wheway identified these pieces with the plots numbered 711, 711a and 711b on the Award Map. By the Award, Nos. 711(13p.) and 711a (7p.) are privately allotted, and only No. 711b (1r.2lp.) is allotted for recreational purposes. The Award Map does not correspond closely with the Register map; much of the land treated as part of VG. 193 land is on the Award Map apparently treated as part of the highway LXV, and not as having been allotted at all. Although I feel some doubt as to the identity of the VG. 193 land with that numbered 711b on the Award Map, because the VG. 193 land has been registered under the 1965 Act as a town or village green, I conclude that I ought to conclude that for ownership purposes it is the same as the 711b land, on the basis that any boundary changes there have been since 1845 have been as a result of locally agreed adjustments without any intention of altering the status of the land. Accordingly I am satisfied that the Parish Council is the owner of this land too.

Being for the above reasons satisfied that the Parish Council are the owners of all these lands I shall accordingly direct Avon County Council as registration authority to register Yate Parish Council as the owners of the lands 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 13th day of March —

1976

a. a. Bowen-Jones

Commons Commissioner