



COMMONS REGISTRATION ACT 1965

Reference No. 201/D/31

In the Matter of Totternhoe Regulated Pastures
South East Side of Icknield Way, Dunstable &
Totternhoe South Bedfordshire D

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No. CL.32 in the Register of Common Land maintained by the Bedfordshire County Council and is occasioned by Objection No.28 made by Dunstable Corporation and noted in the Register on 24 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Bedford on 27 November 1974. The hearing was attended by Mr. Osborne of Messrs. Benning Hoare & Drew solicitors for Norman Arthur Bates and Barbara Audrey Gatehouse who claimed ownership and Mr. Dickinson on behalf of the South Bedfordshire District Council the successor to the Dunstable Corporation.

This dispute is a boundary dispute. Mr. Bates claims the whole of the land Ordnance No.273b on the plan annexed to his application which is bounded on its North West side by the road now known as Tring Road. This land was conveyed by the personal representatives of Earl Brownlow to Walter John Pratt by a conveyance dated 18th April 1922. By the Totternhoe Enclosure Award 1891 Tring Road then called Dunstable Road of the width of 40 feet was allotted as a public highway and South Bedfordshire District Council now claims the land No. 273(b) as part of that public highway. The said road was in 1891 and still is part of a Regulated Pasture which in the course of the hearing was found to be of a width of 82.5 feet. In my view which I indicated at the hearing the County Council could not claim more than a road or way 40 feet in width. On the assumption that the existing road is approximately 30 feet wide a verge of 5 feet on each side would allow for a 40 feet road. Each of them Mr. Bates and the County Council was prepared to agree that the boundary should be drawn five feet from the existing road.

For these reasons I confirm the registration with the following modifications: namely the exclusion of the land within the boundary of a line being parallel to and five feet distant from the existing Tring Road.

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

19th

day of

December

1974

C A Little

Commons Commissioner