



In the Matter of Priddy Green, Priddy,  
Somerset

DECISION

This reference relates to the question of the ownership of land known as Priddy Green, Priddy, being the land comprised in the Land Section of Register Unit No. VG.66 in the Register of Town or Village Greens maintained by the Somerset County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land in 1977 and, not being satisfied that any person was the owner, he gave a decision accordingly under Section 8 (3) of the Act of 1965 on 7 December 1977.

In 1983 Solicitors acting on behalf of Col. V.E. Howse put forward a claim to the land, and on 16 January 1984 the learned Commissioner set aside his decision and his direction dated 2 May 1978 with the consent of the Priddy Parish Council.

I held a further hearing at Taunton on 23 October 1984. At the hearing before me Col. Howse was represented by Mrs B Jones, Solicitor,

By a Conveyance made 9 November 1956 between (1) Wilfred Sparkes and Herbert John Sparkes (2) Vivian Elliott Howse there was conveyed to Col. Howse a house and garden known as Barnard's Cottage situate at Priddy. The property was not further described in the parcels, nor was there a plan referred to in the Conveyance, but Col. Howse was given possession of the land and buildings comprised in Ordnance Survey parcel No. 140. Shortly after Col. Howse purchased the property he renamed it Baytree Cottage.

O.S. No. 140 was a triangular area with the apex at the north. The northernmost part was a garden. Then came the house and to the south of the house there was and still is a garden. By a deed of exchange made 1 January 1958 between (1) Lloyds Bank Ltd (2) Albert Main (3) V E Howse Col. Howse exchanged the triangular garden at the north of his property for a piece of land to the west of his house and the garden to the south. The northern and western boundaries of Col. Howse's property were then altered, and he has since been in undisturbed possession without any adverse claim.

The part of O S No. 140 to the south of Col Howse's house was included in the Register Unit. Presumably this was a mistake, but there was no objection, so the registration became final.

On this evidence I am satisfied that Col. Howse is the owner of the land, to the south of Baytree Cottage. I shall accordingly direct the Somerset County Council, as registration authority to register him as the owner of that piece of land under section 8 (2) of the Act of 1965. The remainder of the land the subject of the reference will remain registered in the ownership of the Priddy Parish Council in accordance with Mr Commissioner Baden Fuller's direction dated 2 May 1978.



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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 **30th** day of **October** 1984

A handwritten signature in black ink, appearing to read 'G. J. Lamb', written in a cursive style.

Chief Commons Commissioner