



In the Matter of Land in the area of Clay
Street, Whiteparish

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 82 in the Register of Common Land maintained by the Wiltshire 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 several persons claimed to be the freehold owners of parts of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Salisbury on 15 June 1983.

Mr M T Meadows of Messrs Blatch and Co, Solicitors of Southampton appearing for Mrs D E G Lewis, Mr J E Hatt-Cook of Messrs Wilsons, Solicitors of Salisbury appearing for Dr and Mrs Baston, Mr J R Ing of Messrs Pye-Smiths, Solicitors of Salisbury appearing for Mr C E Troke. The following appeared in person, Mr B B Hayter, Mrs B McMichael, Mr Davies, Mrs Hankinson for her daughter Mrs E D Rendale, Mr J Beauchamp, Mr R Kennard, Mrs D Hatcher for herself and her husband, Mr R Bailey for himself and his wife, Mrs P M Woodroffe for herself and her husband. Mr W A Hogg did not appear but has since the hearing supplied me with copies of his title-deeds.

The Register unit consists of three pieces of land. Part 'A' the most northerly is bounded on the South by Clay Street, on the East by Common Road and on the North by the entrance to Fuchsia (sic) Cottage. Part 'B' the Central and largest piece adjoins the South-west side of Clay Street from its junction with Common Road to just past Forest View. Part 'C' is a small field with a footpath running through the centre and situate immediately to the West of the property called Chandos on the North side of Clay Street.

No person made a claim to be the owner of Part 'C'.

Having examined the documents of title produced to me during the hearing, I am satisfied that each of the applicants whose names I shall subsequently set out, is the owner of ~~that~~ ^{such} part of Parts 'A' or 'B' as adjoins the frontage of his property.

This division of Part 'A' between the respective owners of the following properties in Common Road, Whiteparish is clearly shown on a plan attached to three Memoranda annexed to a copy of an Assent made the 26 January 1955 and which is annexed to my decision.

1. Mr Charles Ewert Troke of Tods Hole
2. Mr Daves, Arden Hollow
3. Dr John Derek Baston and Mrs Daphne Marsh Baston, Farthing
4. Mrs Elizabeth Deirdre Rendale, Ebbisham
5. Professor Greadgold, Tree Tops



Tods Hole is the uncoloured area between the areas coloured brown and green respectively on the plan and is also shown on the Conveyance dated 2 October 1972 a copy of which is annexed hereto.

The division of Part 'B' is as follows.

1. Mrs Dulcie Emma Grace Lewis of Peace Haven, Winsor Lane, Winsor, Southampton owns the large field on the Eastern side of this part and the Western boundary of the field is the Eastern boundary of Drakes Field produced in a straight line until it meets the register unit.
2. Mr Bernard Bryant Hayter, Drakes Field
3. Mr Royston Albert Kennard and Mrs Barbara Ilse Wilhelmina Kennard, High View (formerly New Holme)
4. Mr Derek Gordon Hatcher and Mrs Desiree Joan Hatcher, Desderia
5. Mr Harold Beachamp and Mrs Jean B Beauchamp, Beaufond
6. Mrs Edith Beatrice McMichael, Westways
7. Mr Ronald Reginald Bailey, Forest View
8. Mr William Alfred Hogg and Mrs Jennie Eveline Gibson Hogg, Dunkeld
9. Mr Brian John Woodroffe and Mrs Patricia Mary Woodroffe, Anchorsholme

Plans showing the boundaries of Drakes Field, Westway and Dunkeld are attached to the decision.

On this evidence I am ~~am~~ satisfied that the several persons mentioned are the owners of those parts of Parts 'A' and 'B' which I have indicated and I shall accordingly direct the Wiltshire County Council, as registration authority, to register them respectively as such owners under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of part 'C' and it will therefore remain subject to prescription under section 9 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

26th

day of

July

1983

George Herbert

Commons Commissioner