



In the Matter of Latteridge Green,
Latteridge, Gloucestershire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. G/VC 37 in the Register of Town or Village Greens maintained by the Avon County Council and is occasioned by Objection No. 23 made by Mr R G Taylor and Mrs M M Taylor and noted in the Register on 14 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Bristol on 16 April 1980. The hearing was attended by Mr D J Bellow of the firm of Veale Benson, Solicitors, on behalf of Iron Acton Parish Council on whose application the registration as Village Green was made: by Mr Fletcher, of Counsel, on behalf of the Registration Authority: and by the Objectors, Mr and Mrs Taylor, in person. The registration at Entry No. 1 in the Rights Section was made on the application of Mr and Mrs Taylor.

The objection relates to two small areas of the Green which are coloured red on the plan accompanying the Objection and on the Register Map, the ground of the Objection being that these areas are private land. These two areas are excluded from the land over which the right of common is claimed, so that in fact the Objection does not constitute an objection to that right.

Mr Bellow did not resist the Objection in respect of one of the two areas - that marked A on the Register Map - as regards which I shall accordingly refuse to confirm the registration.

The other area is a path across the green leading to the front door of Latteridge House, which Mr Taylor purchased from a Mrs Meredith in 1970. The path is about 4 to 5 feet wide and is made of pitched stone and Mr Taylor in his evidence said that it could be told from the date stones that it was laid some 250 years ago and that it was laid by the then owners of Latteridge House. Grass had grown up over it but had been kept down and had been mown by the Merediths in their time, by himself and latterly by the Parish Council. In cross-examination Mr Taylor said that the path had gone with Latteridge House since time immemorial, that he had objected because Mrs Meredith had said that the path was part of her property: he did not know whether her title deeds or the Conveyance to him included the pathway

Evidence was given on behalf of the Parish Council by Mr Walter Blöch, Mr Christopher Heal, Mr Norman Carter, the Clerk to the Parish Council and Mr Howard Applin its Chairman. It was clear from this evidence that for many years informal games and races had been played and held by the local children on the green without objection from anyone, and that this was done across the path equally with the rest of the green. There had also been bonfire nights and Jubilee and VE day celebrations on the green. Mr Carter produced the Parish Council Minute Book which showed that over the years since 1927 the Parish Council had maintained the green and made payments for its upkeep and there was nothing to indicate that the path had been treated otherwise than as part of the green. Byelaws regulating the use of the



green were made by the Parish Council under the Local Government Act 1894.

On the evidence I am satisfied that the green was properly registered as a Village Green and that there are no grounds for excluding the pathway. Accordingly I confirm the registrations in the Land Section and the Rights Section with the modification that the area marked A on the Register Map be excluded from the land comprised in the Register Unit.

Mr Bellew asked for costs on behalf of the Parish Council. The Council succeeded on the main issue, but time was spent at the hearing on a contention that the Council was able to challenge Mr and Mrs Taylor's right of common which in my view it was not open to the Council to do: and Mr Taylor did succeed as to the small area marked A as the result of the Council's concession. In the circumstances I award the Parish Council one half of their costs on Scale 4, payable by Mr and Mrs Taylor. Mr Fletcher also asked for an order for the Registration Authority's costs. The Registration Authority was not a party to the dispute and I make no order as to its costs.

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

9^x June

1980

L. J. Morris Smith

Commons Commissioner