



In the Matter of 0.07 ac. of land near Kiln
Cottage, Buckland Common, Cholesbury-Cum-St
Leonard's, Buckinghamshire

Decision

This reference relates to the question of the ownership of 0.07 ac. of land near Kiln Cottage, Buckland Common, Cholesbury-Cum-St Leonard's, being the land comprised in the Land Section of Register Unit No. CL.133 in the Register of Common Land maintained by the Buckinghamshire 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 Mr A Knowles-Brown claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Aylesbury on 17 January 1985. At the hearing Mr Knowles-Brown appeared in person.

Mr Knowles-Brown lives at Stone Cottage, which adjoins the land the subject of the reference on the east side. Mr Knowles-Brown claims to have a right of way across the land in question. Nothing in the registration of the land as common land can adversely affect any right of way to which Mr Knowles-Brown may be entitled. Such a right of way is, of course, inconsistent with a claim to be the owner of the land. All that Mr Knowles-Brown could adduce in support of a claim to ownership was that he had cut the grass on the land and kept it tidy. That, in my view, is not sufficient to prove a possessory title.

In the absence of any further evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection 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

25~~th~~

day of January 1985


Chief Commons Commissioner