



COMMONS REGISTRATION ACT 1965

Reference No 3/D/44

In the Matter of land on either side of Windsor End
by All Saints Church, Beaconsfield District, Buckinghamshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL. 41 in the Register of Common Land maintained by the Buckinghamshire County Council and is occasioned by Objection No. 73 made by the Rt Hon William Edward Harry Baron Burnham and noted in the Register on 1 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Aylesbury on 15 January 1976. At the hearing (1) Beaconsfield District Council, who are the successors of Beaconsfield Urban District Council on whose application the registration was made, were represented by Mr A P Levings, solicitor with the Council, (2) Lord Burnham attended in person, and (3) Buckinghamshire County Council as registration authority were represented by Mr D M John solicitor in the County Secretary's Office.

The land ("the Unit Land") comprised in this Register Unit is in two strips, each a little over 200 yards long and being in the town of Beaconsfield just south of the A40 road and for the most part by or opposite the churchyard of All Saints Church. Between the strips runs the metalled carriage way of the road called Windsor End. The west strip is bounded on the west by the path by the churchyard wall, by the line of the front of the houses Nos 2-20 (even) Windsor End and the line of the front gardens of Nos 24-28 (even) Windsor End. The east strip is bounded on the east by the path in front of the houses and buildings (including the Saracens Head Hotel, the Magistrates Court and the Greyhound public house) Nos 1-59 (odd) Windsor End. The west strip is partly (a square piece at its north end) the War Memorial, partly (opposite the Church) grass lawn, and partly (the south part) hard gravel, used for parking cars and providing access to the houses fronting on it.

The grounds stated in the Objection are: "A plan is attached. The Objection relates to part only of the area registered as common land by Beaconsfield UDC and marked 41 on the Council's map. This land is not common land but is owned by Lord Burnham. This is recognised by the Urban District Council's Scheme under the Commons Act 1899 made in 1911 which for that reason excludes it from the area over which the UDC took powers". On the plan attached the land coloured red and marked 41 comprises nearly all (omitted strips may be a cartographical error) of the part of the west strip which is south of the south-east corner of the Churchyard.

On behalf of the Council evidence was given by Mrs F A Bray (an affidavit sworn on 13 January 1976) who is aged 74 years, has lived all her life in Beaconsfield and for the past 52 years at 37 Windsor End, and by Mr R L J Baile



orally who has been a councillor since 1974 of the Beaconsfield Town Council and for 2 years before that of Beaconsfield Urban District Council. Mr Baile produced: (1) the Beaconsfield Official Guide (1973), which described briefly the Annual Fair; (2) a map dated 10 May 1955 showing the extent of the Fair as agreed at a meeting attended by representatives of the Urban District Council, of the Lord of the Manor (Lord Burnham), of the Police and of the Showmen's Guild showing purple the land occupied by "side-shows, generators &c" and green the land occupied by "caravans, trailers, parked lorries &c"; (3) a scheme on 28 November 1911 made by Beaconsfield Urban District Council under the Commons Act 1899 for the regulation of "The pieces of land which with the ponds, paths and roads thereon commonly known as The Roundabout, The Green, Long Bottom, together with other pieces of land situate in Beaconsfield..."; (4) The plan referred to in the said Scheme; and (5) a sketch which had for many years hung in the Council Chamber and which was labelled "original sketch made in about 1780 of Windsor End".

Lord Burnham gave evidence (a written statement and orally) and on his behalf evidence was given by Mr O S Puckle who is now living and has for the last 30 years lived in Beaconsfield.

On the day after the hearing I inspected the Unit Land in the presence of Lord Burnham, Major Rimmer (his Agent) and Mr Levings.

After the inspection, both Lord Burnham and Mr Levings asked me to delay giving my decision as they thought they might be able to reach some agreement. They have since in letters dated 25 and 31 March 1976 set out the agreement reached between Lord Burnham and the Council to the effect that the north part (about half) of the land, to the registration of which Lord Burnham objected should continue to be registered and the remainder of such land (the other half) should be removed from the Register. No useful purpose would I think be served by my expressing any opinion on the oral and written evidence given to me at the hearing, because I am satisfied that the agreement now proposed is a proper way of disposing of the difficult problems which such evidence raised and that I ought to give effect to it. For the above reasons I confirm the registration with the modification that there be removed from the Register the land which is south of a straight line AB marked on the map annexed hereto, which map is a copy (omitting the colour) of that signed by Lord Burnham and enclosed with his said March letter and which is (in all now relevant respects) the same as that enclosed with Mr Levings' said March letter.

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 27th day of April ———

1976

A. A. Baden Fuller

Commons Commissioner

