



COMMONS REGISTRATION ACT 1965

Reference Nos. 13/U/31
13/U/32
13/U/33
13/U/34
13/U/60

In the Matters of (1) a piece of land,
(2) another piece of land, (3) land at
Seven Springs, (4) another piece of
land, and (5) the Green, all in Coberley
Tewkesbury District, Gloucestershire

DECISION

These five references relate to (1) a piece of land which contains about 0.2 of an acre and which is on the west side (it is crossed by a small stream and is not far from a hydraulic ram) of the road leading to Close Farm out of a more used road running west out of the village of Coberley, (2) a piece which also contains about 0.2 of an acre and which is on the south side (opposite the Post Office) of a road which runs east-west through the middle of the village, (3) a piece of land at Seven Springs which contains about 0.32 of an acre and which is on the north side of the A 436 road from Andoversford to Gloucester, a little to the west of where that road is crossed by the A 435 road from Cheltenham to Cirencester, (4) a piece of land which contains about 0.16 of an acre and which is just west of the open area of road and adjoining lands in front of Coberley Court (behind which is the Parish Church), and (5) four pieces of land known as the Green which contain about 0.6 of an acre and which are in the middle of the village. All these five lands are in Coberley, Tewkesbury District; the first four (1) - (4) are the lands comprised in the Land Section of Register Unit (1) No. CL.83, (2) No. CL.84, (3) No. CL. 36 and (4) No. CL.85 respectively in the Register of Common Land maintained by the Gloucestershire County Council and the fifth (5) is the land comprised in the Land Section of Register Unit No. VG.29 in the Register of Town or Village Greens similarly maintained. No person is registered under section 4 of the Commons Registration Act 1965 of any of these five lands.

Following upon the public notice of these references no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Gloucester on 13 May 1975. At the hearings Coberley Parish Council were represented by Mrs. G.J. Whitehouse one of their members.

Mrs. Whitehouse who has been a member for the last two years, has lived in the Parish since 1969 and known the Parish since about 1954 gave evidence to the following effect:

As regards VG.54:- These pieces are grass land. The Parish Council arrange for them to be mown regularly and have planted a tree there. To discourage people parking cars on or near the Green, the Parish Council have provided a car park north of the nearby School.

As regards CL.86:- The Springs on this land are locally reputed to be the source of the River Thames (the outflow is the beginning of the River Churn). The Parish Council



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recently planted two trees there. The A 436 road used to run along (in a flat U) the northside of the registered land; recently the road has been rebuilt so that it now runs straight along the south side; the old road has been left for use as a layby, for which the Parish Council have provided litter bins.

As to CL.85: This is just a flat piece of rough ground with a river crossing it.

As to CL.84: On this land there is a spring reputed to be of great age and to be (as it obviously is) the old Village water supply.

As to CL.83: This is damp and wet land by the side of the road on which water cress grows. Nobody claims it.

Three days after the hearings I inspected the lands.

Because under subsection (3) of section 8 of the 1965 Act, I am required if not satisfied as to the ownership of a village green, to direct the registration of the Parish Council as owner, in the particular circumstances of this case it may not matter whether I am or am not satisfied that the Parish Council is now the owner of VG.29 land. Although the land is (so it appeared to me) an amenity of great value to those living by it and to others in the Village, it did not appear to me to be parish property; the things done to it as described by Mrs. Whitehouse were done voluntarily by inhabitants in turn, because the Council has not very much money to spend. I cannot I think conclude that the Council has a possessory title. There was no evidence that anyone else is the owner. For these reasons I am not satisfied that any person is the owner of this land, and I shall accordingly direct the Gloucestershire County Council as registration authority to register Coberley Parish Council as the owner of the land under section 8(3) of the Act of 1965.

The CL.86 land is an unusual piece: From the layby, there are steps down to a pond well below the level of the A 436 road (this is supported by a stone wall); into this pond springs trickles. Around the pond there is grass land sloping down from the level of the layby; there are some splendid trees. The land appears to have been parish property for some time; I cannot imagine how it could sensibly be privately owned. I conclude therefore that I can give full effect of the evidence of Mrs. Whitehouse about this land, and I am therefore satisfied that the Parish Council is the owner of it.

Much smaller and also unusual is the CL.84 land. From the road level there are steps leading down to a tarmac path which ends at the spring; the road is supported by a stone retaining wall. Again this land appears to have been parish property for some time and upon similar considerations I am satisfied that the Parish Council is the owner of it.

Being satisfied as set out above I shall direct the Gloucestershire County Council as registration authority to register Coberley Parish Council as the owners of the lands comprised in Register Unit No. CL.86 and CL.84 under section 8(2) of the Act of 1965.

Neither the CL.83 nor the CL.85 lands have any unusual features. Although two trees appear to have been recently planted on the CL.85 land, even assuming they were planted.



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by the Parish Council (of this I had no evidence), I would not conclude that the Parish Council are now the owners. The CL.83 land appears to be roadside waste which might be owned by anybody. As to their ownership, the evidence of Mrs. Whitehouse is inconclusive. For these reasons I am not satisfied that any person is the owner of the lands comprised in Register Unit No. CL.83 and No. CL.85 and they 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 23rd — day of May — 1975

a. a. Batten Fuller

Commons Commissioner