



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/108

In the Matter of Chatter Alley Green, Dogmersfield,
Hart D., Hampshire

DECISION

This reference relates to the question of the ownership of land (a tract of about 4.705 acres) known as Chatter Alley Green, Dogmersfield, Hart District, Hampshire being the land comprised in the Land Section of Register Unit No. CL.113 in the Register of Common Land maintained by the Hampshire 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 no person claimed to be the freehold owner of the land in question and no 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 Winchester on 15 October 1974. The hearing was attended by Mrs N. Cole whose application for this registration (it was made by the Registration Authority without application) has been noted in the Register and by Mr H. Cole who claims a right of way over the land.

Mr and Mrs Cole were married in 1912 and have ever since lived in the Red House near the land ("the Unit Land") comprised in this Register Unit. They said (in effect) when they first came the Unit Land was mostly grass land; Sir Henry Mildmay was then Lord of the Manor and he employed a man to keep the Unit Land tidy. Soon after they came, Sir Henry died and his successor Sir Gerald Mildmay in about 1921 sold the Estate. Mr Cole who had been a tenant of Sir Gerald, at the sale bought the Red House. After the sale, the trees on the Unit Land were cut down, the owner took away the timber but the branches in accordance with the locally recognised custom were taken by the people living near by. Since then the Unit Land has been neglected; it is now birch and scrub (for the most part impenetrable) with some oak trees.

Mr and Mrs Cole handed me a written statement written by Mr H. Poulter who has for many years lived at the Old Boat House. He remembered the Unit Land when there were only a few oak trees and one or two twisted birches, when it was used as a childrens' playground (he had played cricket and also golf); as there were not many trees, there used to be a lot of grass which was collected every autumn for bedding pigs in the winter; when the Estate cut down any trees, it was said all underwood was for the residents and the timber was for the Lord of the Manor.

Mr & Mrs Cole could offer no evidence of ownership.

TURN OVER



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In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be 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 November 1974

a. a. Baden Fuller

Commons Commissioner