



COMMONS REGISTRATION ACT 1965

Reference Nos. 14/U/120
14/U/122

In the Matter of two small parts of
Odiham Common, Odiham, Hart D.,
Hampshire

DECISION

These two references relate to the question of the ownership of lands being (1) a piece of about 0.431 acres on the east side of the Odiham-Hartley Wintney Road, at Potbridge, approximately $\frac{1}{2}$ mile north of the junction with that road of the road to Winchfield Station, and (2) a piece of land about 0.15 acres also on the east side of the Odiham-Hartley Wintney Road approximately 100 yards north of the junction with that road of Poland Lane, both being part of the land known as Odiham Common, Odiham, Hart District being the lands comprised in the Land Section of Register Unit (1) No. CL.192 and (2) No. CL.193 respectively 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 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 a hearing for the purpose of inquiring into the question of the ownership of the lands at Winchester on 16 October 1974. At the hearing Odiham Parish Council was represented by Mr A.C. Bull, one of their members.

Mr Bull said that the Parish Council could offer no evidence as to the ownership of either of these pieces of land.

Mr T.J. Nevill who lives at Whitehall Odiham said that the CL.193 piece is now and has for the last 70 years been a pond, and that he knew this because Whitehall is on the opposite side of the road.

Squadron Leader C.H. Robinson, who had given evidence at the previous hearing relating to Broad Oak Common (reference 14/U/85) and whose evidence is summarised in my decision in that matter of even date, referred me to the conveyance dated 7 March 1945 a copy of which he then produced by which Brigadier H.D.S. Charrington conveyed as a gift to the Hartley Wintney Rural District Council to be preserved as an open space all his interest in Odiham Common, being a large area of land edged pink on the plan annexed to the conveyance. The two pieces of land now in question are not included in the land edged pink of such plan; on the contrary they appear to be part of the land hatched green on that plan and in the conveyance expressly excluded from the land thereby conveyed being therein described as inclosed.

In the absence of any evidence I am not satisfied that any person is the owner of the lands now in question, 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 16th day of December 1974

a. a. Baden Fuller

Commons Commissioner