

From: Keith Moate
Sent: 31 March 2014 17:33
To: Carol Smith
Cc: Peter Arnold; John Holmes
Subject: Shipton Green pond

Dear Carol,

A platform and duck house has been placed on the village pond outside "Shipton Mead"; I assume that the owners of this property are responsible for this and that it was not carried out with the consent or approval of the Parish Council. The curtilage of Shipton Mead ends no further than the bank of the pond nearest to the house. Would you be kind enough to confirm that the Parish Council is taking or has taken steps to have this inappropriate construction removed and the character of the pond restored.

I do think that perhaps it would be a good idea to consider having the bank of the pond made more open by removal of some of the plants and shrubs so that it becomes quite apparent that it is part of our Shipton Green for the enjoyment of villagers and other passers-by. I look forward to hearing from you.

Yours sincerely

Keith Moate

From: Carol Smith [<mailto:parishclerk@westtichenorparishcouncil.org.uk>]
Sent: 02 April 2014 10:52
To: 'Keith Moate'
Cc: 'Peter Arnold'; 'John Holmes'
Subject: RE: Shipton Green pond

Dear Keith,

Thank you for your email. This Parish Council is considering the contents and I will be in touch again in due course with the Parish Council's response.

Kind Regards

Carol

Carol Smith MILCM
Parish Clerk

From: Keith Moate [<mailto:keith.moate@zen.co.uk>]
Sent: 25 April 2014 14:33
To: Carol Smith
Cc: Peter Arnold; John Holmes
Subject: FW: Shipton Green pond

Dear Carol,

Just in case there is any doubt about the legal ownership of this Pond, I am sending herewith a copy of the tithe plan for Shipton Mead. I do hope that the Parish Council will take the appropriate steps fairly promptly and I look forward to hearing from you.

Regards

Keith

From: Carol Smith [<mailto:parishclerk@westitchenorparishcouncil.org.uk>]
Sent: 25 April 2014 17:29
To: 'Keith Moate'
Cc: 'Peter Arnold'; 'John Holmes'; 'Graham Colbourne'; 'Michael Chater OBE'; 'Alastair Spencer'
Subject: RE: Shipton Green pond

Dear Mr Moate,

Thank you for your latest email. I am sorry it has taken so long to respond to your original enquiry but it was necessary to retrieve some archived records.

In 2008 the owner of Shipton Mead made an application to the Land Registry for possessory title to the pond in front of her house. A copy of the title plan is attached for reference. The Parish Council discussed this at a meeting on 8 September 2008 and decided to take no action at the time. I have also attached a copy of the minutes for reference.

The Parish Council is not aware that there has been any additional planting on the common side. The previous owner did plant some laurel bushes but after intervention by the Parish Council these were removed. There has been no maintenance of the shrubs on the common side and with the warm winter these appear to have grown considerably. However, there are a few dead branches and some general maintenance which would seem helpful. The Parish Council will make an effort to attend to this during the next few weeks.

It is hoped that this clarifies matters for all concerned.

Kind Regards

Carol

Carol Smith MILCM
Parish Clerk

Carol,

It does appear that the Parish Council was very remiss in not immediately challenging this "Possessory title" claim and I note that it was decided to just put off making any decision. The Village was not consulted as to whether part of the Common should be just given away ! I suggest that this title should be challenged without delay and the pond reclaimed for the village. This can be justified by the fact that Itchenor Parish Council has made several attempts for its own title to be registered as owners of the Common and this pond forms an important part of this ownership title. A form of possessory title should never have been allowed to be registered. I note that a challenge can be lodged within twelve years and this really must be done promptly. There should be no need to involve lawyers at this stage and it may well be that a simple challenge will cause this "title" claim to be removed

Thank you for your research and you have indeed clarified this matter and remedial action can now be taken in time.

Keith