



COMMONS REGISTRATION ACT 1965

Reference No. 205/8/29

In the Matter of Brine's Brow,
Woodside, Ashton, Chester District,
Cheshire

DECISION

This reference relates to the question of the ownership of land known as Brine's Brow, Woodside, Ashton, Chester District being the land comprised in the Land Section of Register Unit No. CL 75 in the Register of Common Land maintained by the Cheshire 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 Ashton Parish Council claimed (letter of 1 August 1972) ownership of the land in question and no other 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 Chester on 4 June 1980. At the hearing Ashton Parish Council were represented by Mr K Rowland their chairman.

The land ("the Unit Land") contains (according to the Register) about 5.367 hectares (13.262 acres).

Mr Rowland said (in effect):- The Unit Land is now part (about 9 acres) woodland, and part a picnic site. There is an agreement between the County Council and the Parish Council under which the County acknowledge the Parish to be the owner and in return the Parish has permitted the County to maintain a picnic site there. The Parish Council at a recent meeting although happy about the present use of the Unit Land were not happy about being or becoming owners and thereby possibly liable to spend money for its maintenance because in their view the Unit Land although in Ashton Parish borders on Delamere Parish and is an adjunct of the Delamere Forest Area. But contra, Parish Council would be concerned to protect the Unit Land from misuse if the County Council were to withdraw from the agreement and cease to maintain in its present very pleasant condition.

After some discussion, I understood from Mr Rowland that the Parish Council would at the hearing offer no evidence of ownership. Mr Rowland's statement as to the agreement made between the two Councils, is I think not evidence enough as to the ownership of the Parish. In the absence of any other evidence I am not satisfied that any person is the owner of the land, and it 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 June — 1980.

a. a. Buckley Fuller

Commons Commissioner