



In the Matter of Chapel Bank,  
Kelsall, Chester District,  
Cheshire

DECISION

This reference relates to the question of the ownership of land known as Chapel Bank, Kelsall, Chester District being the land comprised in the Land Section of Register Unit No. CL 52 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 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 Chester on 4 June 1980. At the hearing Kelsall Parish Council on whose application the registration was made, were represented by Mr R L Vincent their clerk.

The land according to the register, contains about 0.088 hectares (0.217 acres) and is situated a little to the north of the A54 road at a minor road junction near the Methodist Chapel.

Mr Vincent in the course of his evidence produced a plan dated 25.4.73 prepared by the Cheshire County Council Planning Department entitled "Suggested Landscape Treatment" of Chapel Green Kelsall and also showing the site as then existing. He said that in 1975 the work was carried out in accordance with this plan and the land now appears as then intended except the trees have not yet grown up so high. The Parish Council organised the work and paid for it (cost £1,000).

On the day after the hearing I inspected the land. For the most it is grass; on it there is the war memorial and a number of trees of several varieties recently planted. Its general appearance is attractive and it clearly is an amenity for those who live nearby and many others in the Village.

From the work so done by the Parish Council, I conclude that they are locally reputed to be the owners, that they are in possession and that such possession is unlikely to be disturbed. Possession in such circumstances is equivalent to ownership, and accordingly I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register Kelsall Parish Council as the owner of the land under section 8(2) 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 24<sup>th</sup> — day of June — 1980.

a. a. Baden Fuller