



In the Matter of Recreation Allotment,
 Mottram St Andrew, Cheshire

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment being the ~~part of the~~ land comprised in the Land Section of Register Unit No. VG 27 in the Register of Town or Village Greens maintained by the Cheshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. *Allotment, Mottram St. Andrew*

Following upon the public notice of this reference Mottram St Andrew Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and the Commons Open Spaces and Footpaths Preservation Society ("the Society") 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 26 July 1979. At the hearing Mrs D M Seymour the Clerk to the Parish Council appeared and stated that the Account Book of the Parish Council showed that it had received rent for the Unit land since 1938.

In a letter from the Society dated 2 August 1978 it is stated that by an Inclosure Award dated 25 March 1851 the Unit land was awarded to the Churchwardens and Overseers of the Poor of the Township of Mottram St Andrew as a place of exercise and recreation for the inhabitants. No evidence of the award was given at the hearing and I am not satisfied that any person is the owner of the land. I shall accordingly direct the Cheshire County Council, as registration authority, to register Mottram St Andrew Parish Council as the owner of the land under section 8(3) 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

2nd October

1979

L. J. Morris Smith

Commons Commissioner