



COMMONS REGISTRATION ACT 1965

Reference No. 205/U/40

In the Matter of The Common
adjoining Reade's Lane, Mossley,
Congleton District, Cheshire

DECISION

This reference relates to the question of the ownership of land known as The Common adjoining Reade's Lane, Mossley, Congleton District being the land comprised in the Land Section of Register Unit No. CL49 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 (1) Mr Alfred John Colclough of Tall Ash, Reade's Lane claimed the land (letter dated 8 May 1979 written by Mr C J Colclough on his behalf); (2) Mrs Patten of Privet Cottage, Reade's Lane, Mossley claimed ownership (letter dated 10 May 1979 from her solicitors); and (3) the Commons Open Spaces and Footpaths Preservation Society enclosed with a letter of 23 September 1979 a letter dated 25 September 1979 in which Mr John H Wilcox of Ivy Cottage, Reade's Lane (the registration was made on his application) requested their help; he said (among other things) that under the provisions of the Congleton Inclosure Award 1798 the land (item 34 in the Award) was awarded as compensation for loss of rights previously enjoyed by the freeholders on the common at Mossley Moor and from this parcel of land they may obtain any materials that may be found thereon. No other person claimed to be the freehold owner of the land in question or 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 Stockport on 29 October 1979. At the hearing Mrs Patten was represented by Mr S Jones, Solicitor with Leak Almond & Parkinson, Solicitors of Congleton.

At the time of the hearing a letter dated 25 October 1979 from Mr D A Daniel, Clerk of Congleton Inclosure Trust was received in the London Office of the Commons Commissioners in which he said that this land belongs to the Trust and it has from time to time been let off for garden purposes; he enclosed a copy of a plan prepared in 1839 indicating this land as Lot 35.

At the hearing Mr Jones produced a book containing 3 maps prepared by Verralls Williams and Bott apparently of the lands owned by the Congleton Inclosure Trust under the Congleton Inclosure Act 1798 which showed most of the lands so owned edged black and coloured pink but included the land in this register unit edged black and uncoloured. He said that Mrs Patten paid rent to the Congleton Inclosure Trust up to 14 years ago and had since ceased to pay the rent and she was therefore now entitled to the land.

No evidence having been offered by anyone as to the ownership of the land, I said that if an application was made within 21 days by or on behalf of Mrs Patten for an adjournment I would adjourn the proceedings. Such an application was made by Leak, Almond and Parkinson in a letter dated 9 November 1979.