



Reference No. 205/U/50

In the Matter of the recreation
allotment in Gravel Lane and
South Oak Lane, Wilmslow, Macclesfield
Borough, Cheshire

DECISION

This reference relates to the question of the ownership of land called The Macclesfield Borough recreation allotment in Gravel Lane and South Oak Lane, Wilmslow, being the land comprised in the Land Section of Register Unit No. VG 25 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.

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 2 February 1982. At the hearing Macclesfield Borough Council were represented by Mr R L Cole, senior assistant solicitor with the Council.

Mr Cole referred to my decision dated 16 November 1979 Ref. No. 205/D/34 after a hearing on 31 October 1979 at which the Fulshaw Common Inclosure Award 1854 was produced from the County Archives, and in which I said that this land was thereby allotted to the church wardens and overseers of the poor for the parish of Wilmslow to be held by them in trust as a place of exercise and recreation for the inhabitants of the said parish and neighbours. He produced a copy of the said Award, a copy of a scheme dated 10 February 1903 made by the Charity Commissioners for the administration of the Fulshaw Recreation Ground Charity by which the said land was vested in the Urban District Council of Wilmslow and a letter dated 3 December 1979 from the Charity Commission recording that the Charity had been entered in the Central Register of Charities (No. 509318).

Mr P A Kinder who is the Senior Assistant Amenities and Recreation Officer of the Council said (in effect):- The land as long as he had known it, had been used as a children's playground and as a general recreation area for the people of the Fulshaw ward of Wilmslow. It is surrounded by built up land.

On the evidence put before me at my October 1979 hearing and on the information given to me at the 1981 hearing I am satisfied that the Borough Council as successor of the Urban District Council ~~is~~ the owners of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register Macclesfield Borough Council as the owners 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 26th — day of February 1982

a. a. Bades Felle

Commons Commissioner