



COMMONS REGISTRATION ACT 1965

Reference No. 215/3/35

In the matter of The Village Green, Huntington,
Chester District, Cheshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Huntington, Chester District being the land comprised in the Land Section of Register Unit No. CL 60 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 Huntington Parish Council were represented by Mr J Crawford their chairman.

The land ("the Unit Land") in this Register Unit according to the Register contains about 0.077 hectares (0.190 acres).

Mr Crawford who has lived in the Parish since 1946, been a member of the Parish Council for the last 31 years and their chairman for the last 4 years and at other times (making about 15 years altogether) in the course of his evidence produced:- (1) a letter dated Feb 2/65 from Mr Stanley Grimshaw to Mr A E Williams the clerk of Huntington Parish Council; (2) a copy letter dated 2 February 1965 from the clerk of the Parish Council to the County Surveyor (Cheshire County Council); (3) & (4) letters dated 11 February and 26 May 1965 from the County Surveyor in reply; (5) a copy letter dated 14 June 1968 from the clerk of the Parish Council to Mr Grimshaw; and (6) a letter dated 5/6/68 from Mr Grimshaw in reply.

Mr Crawford said (in effect):- The Unit Land is bounded on the west by the road (B5130) from Chester to the south and on its other side by the horse shoe road (mentioned in Mr Grimshaw's 1965 letter) beyond and ~~on the other side of~~ which is a row of shops. The Unit Land is a grass area now mown regularly (as needed) by the County Council on behalf of the Parish Council. The Unit Land was left by Mr Grimshaw who was the owner of it and of the surrounding land when he developed the surrounding land as a housing estate; he made the horse shoe road (as he says in his 1965 letter "as an added feature of nice town planning ... and thereby created the village green". The Parish Council registered the Unit Land under the 1965 Act and so informed Mr Grimshaw in their 1968 letter; he was pleased (see his 1968 letter) saying: "it makes a good focal point for the village and I think it much better to preserve it for parish use". Since about 1965 the Parish Council have maintained the Unit Land and ostensibly acted as owners, for example applications for wayleaves over it have been considered and some granted and a bus shelter has been erected at the cost of the Parish Council and concrete posts have been put up on the horse shoe road side to prevent access by heavy lorries. (The County Council put these up but Mr Crawford thought that the Parish Council suggested them and were charged).



Mr Crawford said that Mr Grimshaw has died; so I am able under the Civil Evidence Act 1968 to treat his letter as evidence by him. From what he wrote and on the evidence of Mr Crawford summarised above, I conclude that the Parish Council are in possession of the Unit Land and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership and I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register Huntington Parish 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 24th — day of June — 1980.

a. a. Baden Fuller

Commons Commissioner