



In the Matter of Six pieces of land situated
at Main Street, Great Longstone, West
Derbyshire D

DECISION

This reference relates to the question of the ownership of six pieces of land situated at Main Street, Great Longstone, West Derbyshire D being the part of the land comprised in the Land Section of Register Unit No. VG 10 in the Register of Town or Village Greens maintained by the Derbyshire 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 one 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 Matlock on 13 November 1979.

Mr W V Wright appeared for Great Longstone Parish Council and Mrs B Hall appeared in person.

Mrs Hall claimed ownership of one of the six pieces of land, that opposite Ash House which was owned by her late father Mr Fearn until his death in 1972 and she is his successor. She was born in 1918 and lived at Ash House until she married in 1939, when she moved to Tideswell, about six miles away.

Her father farmed and leased a moor some distance from Ash House, where she said there was a farmyard.

Mrs Hall said that her father grazed the land which she claims and that he put chicken there with crops and wire chicken runs and she claims that by this user of the land he acquired a possessory title.

Her evidence as to grazing was that when her father came from market he left cattle and sheep on the land and that his well trained dog prevented them from straying. Her father also tethered a mule, which used to pull a trap on the land, the trap being left on the hard standing between the land and Ash House, which is now a macadam road.

The chickens, Mrs Hall told me, were chicks or young birds put on to the land until they joined the older birds. This I assume was a seasonal activity of limited duration. The picture painted by Mrs Hall appears to me to be that when her father was in transit either with his cattle and sheep or his mule and trap and had occasion to stop at Ash House until he proceeded on his way. The use of the land by Mr Fearn as described by Mrs Hall, falls far short of his having been in exclusive occupation thereof and indeed in answer to me, Mrs Hall conceded that he would not have raised any objection to the use of the land by others. Such use as Mr Fearn did make of the land was in my view permissive. The Parish Council did at times have difficulty in maintaining these six pieces of land as appears from their minutes and it would have been an excess of zeal on the part of the Parish Council to object to Mr Fearn's user of the land as described by Mrs Hall, so long as he was doing no danger. In conclusion I must mention that I was not told the area of the land in dispute but I was shown photographs from which it was apparent that it could not provide grazing even for one animal over any substantial period.



For the reasons given above I am satisfied that Mr Fearn never acquired a possessory title to the disputed land. For this reason it is not necessary to deal at any length with the evidence given by Mr Bennett who said he never saw any of the activities of which Mrs Hall spoke. On any view, these activities were occasional and Mr Bennett may not have seen them or attributed any importance to them.

Mr Wright read me a number of extracts from the minutes of the Parish Council starting in 1895-7 when the Council received rents arising from the annual Wakes Fair. Trees were lopped in 1907, in 1923 permission was asked and granted by the Parish Council for the erection of a war memorial on one of the six pieces of land. In 1931 on the advice of the County Council, is placed corner stones on all six pieces of land marked PCP (Parish Council Property) in order to record its ownership and I should mention that there is no record of any objection by Mr Fearn and in 1931 he planted some red hawthorn trees. In 1931 he agreed to the County Council placing curb stones and in 1961 levelled and seeded one piece of ground and over the years the minutes record endeavours on the part of the Parish Council to maintain the land.

On this evidence I am satisfied that Great Longstone Parish Council is the owner of the land, and I shall accordingly direct the West Derbyshire County Council, as registration authority, to register Great Longstone 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 26th day of November 1979

G. F. L. M.

Commons Commissioner