



In the Matter of the piece of land fronting  
Holmesfield Road in the Parish of Holmesfield  
in the County of Derby described in the Holmesfield  
Inclosure Award as Allotment No. 22 on Holmesfield  
Common

DECISION

This reference relates to the question of the ownership of land known as Allotment No. 22 on Holmesfield Common being the land comprised in the Land Section of Register Unit No. CL 12 in the Register of Common Land 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 Holmesfield Parish Council claimed to be the freehold owner of the land in question and no other 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 Chesterfield on 1 October 1980.

Mr Greig, Clerk to the Holmesfield Parish Council appeared at the hearing and gave evidence as follows. The Parish Council had for many years managed the Register Unit. This included mowing the grass at least twice a year and doing whatever else was required from time to time to keep the unit neat and tidy. No one has challenged the Council's right to do this work or had offered to take it over.

On this evidence I am satisfied that Holmesfield Parish Council is the owner of the land, and I shall accordingly direct the Derbyshire County Council, as registration authority, to register Holmesfield Parish Council as the owner of the land under section 9(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

21<sup>st</sup>

day of

October

1980

*James Harker*

Commons Commissioner