



In the Matter of the piece of land in the Parish of Burnaston in the County of Derby adjacent to the garden of Rayworth Cottage in Grassy Lane

DECISION

This reference relates to the question of the ownership of land adjacent to the garden of Rayworth Cottage in Grassy Lane in the parish of Burnaston being the land comprised in the Land Section of Register Unit No. CL 68 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 Mr B. J. and Mrs. J. D. Haines claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Derby on 11 June 1980.

Mr Basil John Haines appeared for himself and the other claimant who is his wife. They had purchased Rayworth Cottage in June 1971 and had lived there continuously since the 22 June 1971. During the whole of that period they had treated the land in question as part of their garden cutting the grass when necessary and planting shrubs on it. Mr Haines produced two conveyances one made the 13 December 1965 between Rodney Butcher of the one part and Norman Arthur Goulding of the other part and the other made the 22 June 1971 between the said Goulding of the one part and Mr and Mrs Haines of the other part. Mr Haines also produced a statutory declaration made by Mr Butcher on the 12 December 1965 on the sale of the property to Mr Goulding in which Mr Butcher, who had purchased Rayworth Cottage on the 6 December 1961 claimed to be the owner of the land in question and to have had the use of such land during the whole of his ownership of the Cottage. Mr Butcher also stated that the said land which had been in his own care and occupation continuously without any adverse claim by any person.

On this evidence I am satisfied that Mr and Mrs Haines are the owners of the land, and I shall accordingly direct the Derbyshire County Council, as registration authority, to register them 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

1st

day of

August

1980

*(Signature)*

Commons Commissioner