



COMMONS REGISTRATION ACT 1965

Reference No. 208/U/66

In the Matter of Wessington Green,
Wessington

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 47 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 and Mrs D Plowright and Wessington Parish Council claimed to be the freehold owner of different parts of the land in question ("the Unit land") 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 Matlock on 7 May 1980.

At the hearing Mr N E Chubb, of the firm of Anthony Cleaver Thompson and Company, Solicitors, appeared for Mr and Mrs Plowright and Mr J B Vinecombe of the firm of Flint, Bishop and Barnet, Solicitors, for the Parish Council.

At a hearing of this matter on 15 November 1979 Mr C A Settle Q.C., decided on the evidence given that Mr and Mrs Plowright are the owners of the part (the Garage Bit and the concrete apron) which they claim. This is not disputed by the Parish Council who did not appear at that hearing, and I confirm that decision.

As regards the remainder of the Unit land which the Parish Council claims, Mr R G Welsh a member of the Parish Council for 24 years and its Chairman since 1978 gave evidence. During his time on the Council, it has controlled the Green: there has been expenditure on the mowing and cleaning of weeds from the Green, on the planting of a Jubilee tree in 1978, and in the same year curbs were put around part at a cost of £522. Part of the Green is used by the Village football club at a nominal yearly rent and the Council has permitted the use of the pitch by the school as a quid pro quo for the County Council having carried out the work of levelling the pitch. The Parish Council has employed and paid a contractor to ~~clear~~ clear the dykes. A fair is held on the Green yearly and a nominal rent for this paid to the Council. The Council has from time to time taken steps to stop the parking of vehicles on the Green and to procure the removal of obstructions.

On this evidence I am satisfied that the Parish Council is the owner of the part of the Unit land other than that claimed by Mr and Mrs Plowright and I shall accordingly direct the Derbyshire County Council, as registration authority, to register under section 3(2) of the Act of 1965 (1) Mr and Mrs Plowright as the owners of the two parcels of land identified as the Garage Bit and concrete apron on the plan annexed hereto (2) the Parish Council as the owner of the remainder of the Unit land.



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: 9 June 1980

L. J. Harris Smith

Commons Commissioner

THE GREEN

93'

57'

115'

STONE WALL

BT

GARAGE

(See Planning
Application
NEEDS 79/251)

BERRY HEDGE

22'

STONE
BUILDING

CONCRETE APRON

DOOR

ROSE COTTAGE

BOUNDARY OUTLINE

APPROXIMATE BOUNDARY

CEDAR
WOOD
FENCE

ROSE COTTAGE
THE GREEN
WILMINGTON
DERBYSHIRE

NOVEMBER 1979