



COMMONS REGISTRATION ACT 1965

Reference No. 11/U/37

In the Matter of Lanchester Village  
Green, Lanchester, Derwentside D.,  
Durham

DECISION

This reference relates to the question of the ownership of land known as Lanchester Village Green containing about  $2\frac{1}{2}$  acres, Lanchester, Derwentside District being the land comprised in the Land Section of Register Unit No. VG.8 in the Register of Town or Village Greens maintained by the Durham 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 Lanchester Parish Council claimed that the freehold of the land in question had been conveyed to them; no other person claimed to be the freehold owner of the land or 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 Bishop Auckland on 1 May 1975. At the hearing Lanchester Parish Council were represented by Mr. B.K. Masterman, their vicechairman.

Mr. Masterman in the course of his evidence produced: (1) a lease dated 6 June 1899 by which the Ecclesiastical Commissioners for England demised to the Parish Council "the Village Green and other waste spaces now opened and unenclosed ... and delineated on the plan endorsed thereon" for 99 years; (2) a conveyance dated 29 October 1936 by which the said Commissioners and the Parish Council together conveyed to the County Council small pieces of land (for road widening) and granted a right under other pieces of land to construct culverts (for diverting and culverting in Smallhope Burn); (3) a lease dated 4 April 1940 by which the said Commissioners in effect enlarged the land comprised in the 1899 lease by including three other pieces of then opened and unenclosed land situate on the southeast, south and southwest; and (4) a conveyance dated 28 September 1962 by which the Church Commissioners for England conveyed to the Parish Council in fee simple the land demised by the 1899 lease and the 1940 lease less the lands conveyed by the 1936 conveyance.

The land ("the Unit Land") comprised in this Register Unit consists of six pieces which on the Register map appear to be separated from each other by the Durham - Consett road A 691 (which passes through Lanchester), by the Lanchester-Wolsingham Road B 6296 and by a footpath or track. Mr. Masterman said (in effect) :- The widening of the road and the culverting in of the Burn as contemplated by the 1936 conveyance, was done shortly afterwards. Although the six pieces shown on the Register map do not exactly correspond with the plans drawn on the 1899 lease



-2-

and the 1940 lease, the extra area (particularly the south piece) is now and for sometime must have been open and unenclosed like the rest. In or about 1972 the Parish Council conveyed part of the Unit Land to the County Council for the making of a new road, and the County Council substituted other land which has been added to the Green, so that in effect the A 691 road instead of crossing the Green, now bypasses it with the result that the whole area now has a much more attractive appearance.

On the evidence outlined above, I am satisfied that before the 1972 conveyance to the County Council, the Parish Council ~~was~~ the owners of the Unit Land and that now under the 1972 conveyance the Parish Council and the County Council are owners (each of a part) of it. I need not, I think, delay giving this decision or giving a direction under it merely because the 1972 conveyance has not been produced; accordingly I shall direct the Durham County Council as registration authority, under section 8(2), of the 1965 Act to register the Durham County Council as the owners of the part of the land which was in or about the year 1972 conveyed to them by the Lanchester Parish Council and to register the Lanchester Parish Council as the owners of the remaining part of the 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 this 8<sup>th</sup> — day of May — 1975

*a. a. Baden Fuller*

Commons Commissioner