



## COMMONS REGISTRATION ACT 1965

Reference No. 263/U/3

In the Matter of land at the  
junction of Matley Lane and  
Harrop Edge Lane, Matley,  
Tameside Borough, Greater Manchester

DECISION

This reference relates to the question of the ownership of land at the junction of Matley Lane and Harrop Edge Lane, Matley, Tameside Borough being the land comprised in the Land Section of Register Unit No. CL105 in the Register of Common Land maintained by the Greater Manchester (formerly Cheshire) 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 the Trustees of Mrs E Bissill's Marriage Settlement - Reversionary claimed (their Agents' letter of 16 October 1981) ownership. No other person claimed to be the freehold owner of the land in question 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 Manchester on 9 February 1982. At the hearing Mr J P Bissill and Mr P A M Gell were represented by Mr M J Scott-Bolton, chartered surveyor, Agent of The Enville and Stalybridge Estates.

Mr Scott-Bolton who has been the Agent of the Stalybridge Estate since 1961 in the course of his evidence produced a letter from his clients' Solicitors explaining how their title was derived under vesting deed dated 24 June 1959 and a conveyance and deed of discharge dated 22 March 1974, said (in effect):- 'The land (approximately triangular) containing 1.026 acres) is rough grazing, open on two sides to the Lanes (public roads); it is stony and not fenced against the roads and is crossed by a public footpath running near and within its west side; it slopes very steeply from Matley Lane towards Harrop Edge (on the south); it is incapable of beneficial use for agriculture and for this reason has never been fenced. Nevertheless it has always been included in the tenancy of one or other of the farms owned by the Stalybridge Estate; now it is included in the tenancy of Oak Farm (about 162 acres) of which Mr Ellis Summerscales is and has been for about 3 years the tenant; before then it was included in the tenancy of Burnhouse Fold Farm mentioned in the vesting deed. The Stalybridge Estate now contains about 5,000 acres comprising approximately 22 farms; it and the Enville Estate were at one time owned by the Earl of Stamford and Warrington.

I adjourned the proceedings for a further hearing in London so that the relevant title deeds of Mr Bissill and Mr Gell could be produced by their Solicitors.

I held the adjourned hearing in London on 7 April 1982. At this hearing Mr Bissill and Mr Gell were represented by Mr K Woolley-Dod solicitors of Taylor & Solicitors of London.



In the course of his evidence, Mr Woolley-Dod produced: (1) the said 1959 vesting deed by which the Public Trustee conveyed to Mrs Eileen Bissill lands described in the first schedule by reference to numerous plans, including [Plans 28 & 30], Reference No. 116, "Burnhouse Fold Farm" (from these plans the land in question in the proceedings can be identified with this Reference Number); (2) the said 1974 conveyance and deed of discharge by which Mrs E Bissill conveyed to Mr T F C Frost and Mr J P Bissill ~~and~~ <sup>the</sup> land described in parts 3, 4 and 5 of the First Schedule to the 1959 vesting deed (Reference Number 116 ~~which~~ is in part 3); and (3) ~~the~~ deed of rectification dated 7 October 1974 and the deed of appointment dated 30 June 1976 under which Mr P A M Gell became a trustee of the said 1974 conveyance and deed of discharge in the place of Mr T F C Frost.

On the evidence above summarised I am satisfied that Mr Bissill and Mr Gell are the owners of the land, and I shall accordingly direct the Greater Manchester County Council as registration authority, to register Mr John Phillip Bissill of Enville Hall, Enville near Stourbridge Worcestershire and Mr Philip Anthony Maunsell Gell of Morfe Hall, Enville near Stourbridge Worcestershire 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 20<sup>th</sup> — day of May — 1982.

a. a. Boden Fuller

Commons Commissioner