



COMMONS REGISTRATION ACT 1965

Reference No.20/U/5

In the Matter of land known as Tommy Todd,  
Haughton Green, Denton U.D., Lancashire.

DECISION

This reference relates to the question of the ownership of land known as Tommy Todd, Haughton Green, Denton Urban District being the land comprised in the Land Section of Register Unit No.1 in the Register of Town or Village Greens maintained by the Lancashire County Council of which no person is registered under section 4 of the Commons Registration Act<sup>1965</sup> as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no 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 Preston on 20th June 1972.

The hearing was attended by Mr. Burley Key who told me that he represented the people of the Village and by the Rev. D. Smethurst, the Rector of St. Mary Church, Haughton Green, who represented the Parochial Church Council.

Mr. Key after protesting that this hearing had not been advertised in any local newspaper and that this hearing should have been local (he had had to travel for about 40 miles) told me that this land had been the Village Green from time immemorial, that it still is the meeting place of the Village, that no useful purpose would be served by making the Local Authority the owner, that at the present time it is not an unsightly piece of ground, and that the local inhabitants he had consulted wanted to know if I decided that it would be vested in a Local Authority, what guarantee they would have that it would not be built on (they still desired that it should be a Village Green and remain as a Village Green as it had been for centuries).

Mr. Smethurst told me that the Parochial Church Council owned the land shown on the Register map and therein called "School" and "Sports Ground", and that they were concerned that no order I made should interfere with the right of way which they claimed along a track (unmade but used by vehicle traffic for many years) on the north east side of the land and shown by a dotted line on the Register map and also along a cobbled road on the north west side of the land and similarly shown.

Mr. Key was, I think, not entitled to any personal notice of the hearing. Public notices inserted in local newspapers published on 7th April 1972, requested any person having any information as to ownership to write to the Clerk to the Commons Commissioners. Mr. Key's letter dated 11th April 1972 and received by the Clerk, contained information as to the land being a village green (a question which was not and could not have been in issue at the hearing); but it did not contain any information as to ownership.



-2-

Public Notices inserted in local newspapers published 26th, 27th, 31st May 1972 stated the place and time of this hearing.

I have not, I think, any jurisdiction to direct that the land shall not be built on. But I must not be understood as having expressed the opinion that the land can lawfully be built on: it may be that anyone who did or threatened to do this, could by proceedings in some Court be restrained by injunction.

I also have not, I think, any jurisdiction to determine that the land is subject to a right of way for the benefit of a Parochial Church Council; in my view any order I may make will not prejudice or affect any right of way they may have. I suggested to Mr. Smethurst that the Council give some consideration to the possible applicability of regulation 24 of the Commons Registration (General) Regulations 1966.

In the absence of any evidence I am not satisfied that any person is the owner of the land and I shall accordingly (notwithstanding the suggestion by Mr. Key that I should do otherwise because the Act, I think, gives me no discretion) direct the Lancashire County Council, as Registration Authority, to register Denton Urban District Council as the owner of the land under section 8(3) of the Act.

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.

*a. a. Baden Fuller*

Dated this 17<sup>th</sup> day of July 1972

Commons Commissioner