



COMMONS REGISTRATION ACT 1965

Reference No 221/U/12

In the Matter of part of The Green, Mountsorrel,
Charnwood District, Leicestershire

DECISION

This reference relates to the question of the ownership of part of the land known as The Green, Mountsorrel, Charnwood District, such part being the land comprised in the Land Section of Register Unit No VG. 84 in the Register of Town or Village Greens maintained by the Leicestershire 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 Leicestershire County Council claimed ownership and Mountsorrel Parish Council, after having said in 1974 that they claimed ownership, in 1975 said that if the County Council are claiming ownership they (the Parish Council) would withdraw their claim and drew attention to the odd situation which will result if the other (much larger) portion of the Green is vested in the Parish Council while this very small portion remains in the ownership of the County Council. 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 Leicester on 21 July 1976. At the hearing Leicestershire County Council were represented by Mr J M Emery solicitor with the Legal Department of the County Council.

The land ("the Unit Land") comprised in this Register Unit contains (according to the below mentioned conveyance) 520 square yards and is situated on the north side of the junction of Rothley Road and the road which is on the south side of this and 5 other pieces of land known as The Green and which leads to the main road A6 through the Village.

Mr Emery in the course of his evidence produced a conveyance dated 9 August 1960 by which the Earl of Lanesborough with the concurrence of his trustees conveyed the Unit Land to the County Council in fee simple. Mr Emery explained that the Unit Land was purchased for the purpose of enlarging the footpath and he produced an extract from the minutes of the meeting on 11 October 1969 of the Council Highways Committee which is as follows:-

"The County Surveyor reported that the Mountsorrel Parish Council had made repeated requests for the area of land at the North Western end of The Green, Mountsorrel, owned by the County Council, to be tidied up and seeded but that from a highway point of view the expense involved could not be justified. The land comprised outcrop rock and scrub."



"The Parish Council had recently suggested that the land might be handed over to them so that they could improve it and maintain it as part of The Green.

Since the whole area was not likely to be required for highway improvement purposes, the land might be handed over to the Parish Council for maintenance purposes, provided that it was clearly understood that a 6 feet wide strip adjacent to the carriageway would ultimately be required for the construction of a footway.

RESOLVED to recommend that the Mountsorrel Parish Council be permitted to assume responsibility for the future maintenance of the Council-owned land at the North Western end of The Green, Mountsorrel, on the understanding that a 6 feet wide strip of such land would ultimately be required for the construction of a footway."

On the day after the hearing, I inspected the land.

Having regard to the appearance of the land and to the explanations given by Mr Emery, I conclude from the 1960 conveyance that the County Council are the owners as they claim. I am therefore satisfied that they are the owners of the land, and I shall accordingly direct the Leicestershire County Council, as registration authority, to register themselves the Leicestershire County Council 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 26th day of July —

1976

a. a. Baden Fuller

Commons Commissioner