



## COMMONS REGISTRATION ACT 1965

Reference No.21/U/37

In the Matter of the land called  
the Horse Pond, Stathern, Melton &  
Belvoir R.D., Leicestershire

DECISION

This reference relates to the question of the ownership of land called the Horse Pond, Stathern, Melton and Belvoir Rural District being the land comprised in the Land Section of Register Unit No.CL.48 in the Register of Common Land maintained by the Leicester 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 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 Leicester on 25 July 1973. The hearing was attended by Stathern Parish Council who were represented by Mr. F. S. Green their chairman assisted by Mrs. J. A. Edwards their clerk.

Mr. Green who is 65 years of age, has lived at Stathern all his life, has been a member of the Parish Council for the last 35 years and chairman for the last 10 years, gave evidence. After the hearing I inspected the land.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register map) 0.114 acres. On its east side it adjoins a corner of City Road, a short road joining Pen Lane and Harby Lane (formerly Station Lane), the two roads running west out of the Village. The level of the Unit Land is now a few feet above that of City Road, being more or less the level of the garden land on the south, the tree and hedge covered land on the west and the pasture field on the north.

When Mr. Green as a boy first remembered it, the Unit Land was a pond, below the level of the road; shallow near the road, but at its far end deep, perhaps 8 feet deep. The level of the surrounding land was then much as now; the banks of the pond were kept in position by the roots of willow, ash, beech and other trees. The pond was fed by a spring and the overflow went away across the field on the north. The Unit Land appeared then to be a sort of bay. It was then used by persons farming or residing near by for watering cattle; particularly in dry weather, because the water lasted longer than some of the ponds; the east end dried up with green slurry but there was always water, even in dry summers at the west end. It was not much used for horses (although called the "Horse Pond") and never for house purposes. At that time there were more cattle on the surrounding farms than now. There was a similar watering place for cattle at the top (east) end of the Village called "the Gote".

About 20 years ago piped main water was brought to the Village. Previously there were some water pipes; the supply was local, coming from a spring in Tofts Hill. After main water pipes had been laid, the wells were filled up and the



previously existing pipes cut off. As a result (so Mr. Green supposed; it happened about this time) the water ceased to flow on to the Unit Land and it became an attractive dumping ground, soon covered with old tins, rotten vegetables and other sorts of refuse. The Parish Council received complaints about the smell and the vermin (rats). Nobody claimed ownership or accepted responsibility; so the Parish Council decided to fill the land in by stages. This was done by local builders dumping hard core when it became available (e.g. when a building was knocked down); the dumping was done voluntarily by builders who bulldozed the land so as to leave it level. The filling in and levelling took about 5 years and is now finished.

The fence which now separates the Unit Land from the road is temporary; it was put up and paid for by the Parish Council. The top soil was put there voluntarily about two months ago at the request of the Parish Council. The present intention is to seed the land with grass.

On the evidence outlined above, I incline to the view that the Unit Land, being a parish watering place has always been parish property and has devolved on the Parish Council by operation of law. But however this may be, the Parish Council are I think in possession and it is practically certain that their possession will never be disturbed. Possession in such circumstances is equivalent to ownership. For this reason I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Leicester County Council, as registration authority to register Stathern Parish 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

8<sup>th</sup>

day of

August

1973.

a. a. Baden Fuller.

Commons Commissioner