



COMMONS REGISTRATION ACT 1965

Reference No.21/U/2

In the Matter of The Village
Green, Buckminster, Melton &
Belvoir R.D., Leicestershire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Buckminster, Melton and Belvoir Rural District being the land comprised in the Land Section of Register Unit No.VG.67 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 Buckminster Trust Estate claimed to be the freehold owner of the land in question and no other 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 24 and 26 July 1973. At the hearing Mr. A. J. R. Collins, Colonel J. B. White, Captain R. F. Abel Smith and Mr. E. M. Neal (the present trustees of the Buckminster Trust Estate) were represented by Mr. A. J. Potter.

Evidence was given by Mr. Potter (he is now and has been since October 1971 the Resident Agent of the Estate) and by Mr. E. J. Nixon (he has resided near the land since 1933; until he retired he was part time assistant to the head clerk in the Estate Office). I inspected the land on 25 July 1973.

The land ("the Unit Land") comprised in this Register Unit is a piece (approximately rectangular) of flat grass land containing (according to the Register map) .722 of an acre. It is at the north end of the Village, near the Parish Church, and a little to the south of Buckminster Hall (originally built in 1810, the present building was built less than 10 years ago). The Unit Land is bounded: on the east by a road (leading from the Village main street past the Hall towards Grantham), on the other side of which is some woodland (plot 141) near the entrance drive to Hanby House (until recent called Warmington Hall: built in 1889 as stables for the Hall); on the north by a road (leading to the Church and Vicarage and the back road below mentioned) on the other side of which is some grass land (south east part of plot 124) itself bounded by the south wall of the former kitchen garden (now separately let) of the Hall; on the west by a road (leading and being the back road or back street of the Village) on the other side of which are grass lands, roads or paths leading to the Church and the Vicarage and also some lands and buildings (plot 128); and on the south by a footpath (a short cut between the road above mentioned) on the other side of which is a narrow strip of land with shrubs and trees and then the walls of some dwellinghouses and gardens (one occupied by Mr. Nixon). There are some fine trees on the Unit Land and the other surrounding grass lands. The general appearance of the Unit Land and its surroundings is most attractive; as a Village amenity it must be of great value.

Mr. Potter produced:- (i) a statutory declaration made on 19 June 1941 that Buckminster Estates (a private unlimited company) had been formed to acquire the estates of the 8th Earl of Dysart who died in 1878 and that the title deeds had



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been destroyed in 1940 by enemy action; (ii) a conveyance dated 5 April 1951 by which Buckminster Estates (in liquidation) conveyed lands in Leicester, Lincoln and Rutland described as "Buckminster Estates" and containing 21, 657 acres of which 1,865 acres were in Buckminster to Mr. Collins, Colonel White and two others in fee simple on trust for sale; (iii), (iv) and (v) a deed of retirement dated 27 May 1965, a deed of appointment dated 12 October 1965 and a deed of appointment dated 27 April 1973 under which the Trustees became the trustees of the 1951 conveyance.

Mr. Potter described the Village as being "an Estate Village", in that all the lands in the Village except as below mentioned were owned by the Trustees and so far as occupied were held of the Trustees either on service occupancies or under leases. All such lands were particularly described in the schedule to the 1951 conveyance except the Church, the Church Yard, the Vicarage, some land between the Vicarage and the Church Yard and the Unit Land, and some other relatively small pieces of land (e.g. the Methodist Chapel); the ownership of these excepted lands was not claimed by the Trustees. Also the Unit Land was not particularly described in the Schedule to the 1951 conveyance, but the ownership of the Unit Land is now claimed by the Trustees.

As to this, Mr. Nixon, speaking of what he had seen since 1953, said:- The grass on the Unit Land has always been cut by the Estate; before the war and afterwards until about 1950, 2 or 3 times a year by scythe; since then more frequently with a mower. Up to the war, and it may be for a short time afterwards, there had been an annual Fair on the Unit Land with roundabouts and swings; at the time (1933 and afterwards) when he was clerk to the Parish Council, the Fair people paid ten shillings for each annual visit and this ten shillings (the only receipt in respect of the Fair) was paid into the Parish Council account. The Fair has since the war been discontinued, and the Unit Land has not afterwards been used by anyone except to walk over or exercise a dog. Until the war there was a post and single rail fence on the east and west sides of the Unit Land and a more substantial post and iron fence on the south side; these fences were removed during the war. The lime trees have been pruned by the Estate. The appearance (apart from the separating road) of the nearby part of plot 124 is identical with the Unit Land; the Coronation Seat is on this plot. This plot and other open grass land in the Village have together with the Unit Land been kept tidy by the Estate without any distinction.

As to past history, Mr. Nixon said that he had been told by an old inhabitant that the annual Fair used to be held south west of the Village on land south of the road to Sproxton, not far from the road junction, that this was discontinued when the cottages (marked 1288) to the south of this junction were built and that Lord Dysart had arranged for the Fair to move to the Unit Land. The lime trees had been planted about 75 years ago. An old village map said to have been made about 1820 was produced which showed the Unit Land and the road through the Village as all one piece of land without any difference.

On inspecting the Unit Land and its surroundings, I was impressed with the apparent similarity of the Unit Land and the adjoining part of plot 124, and with there being no obvious reason why the Unit Land should not belong to the same person as owned the land which (except for the grass land and the roads or paths in front of the Church and the Vicarage) surrounded it on all sides. The Parish Council were not represented at the hearing; in the absence of any ownership claim by them under subsection (2) of section 3 of the 1965 Act, I do not attach importance to the ten shillings payment they received before and just after the war; in the absence of any claim under subsection (3) that no other person has established ownership, I can



I think give full weight to the evidence given on behalf of the Trustees. The parcels of the 1951 conveyance expressly include "all other (if any) the lands ... now vested in the Company ...". Under these words (and possibly without them) the soil of the road would pass. Notwithstanding that the Unit Land is not described particularly in the Schedule of the conveyance, on the evidence outlined above I conclude that the Unit Land has always been part of the "Estates".

For these reasons I am satisfied that the Trustees are the owners of the land, and I shall accordingly direct the Leicestershire County Council, as registration authority, to register Mr. Arthur James Robert Collins, C.V.O., of 20 Essex Street, Strand, London W.C.2, Colonel John Baker White, T.D., of Street End Place, Street End, near Canterbury, Kent, Captain Richard Francis Abel Smith of Elidworth Dale, Linby, Nottinghamshire and Mr. Harry Morton Neal of Great Sarratt Hall, Sarratt, Hertfordshire as the owners of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Common 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 19th day of October 1973.

a. a. Baden Fuller

Commons Commissioner