



COMMONS REGISTRATION ACT 1965

Reference No 21/U/71

In the Matter of Waste Land, Queen  
Street, Markfield, Hinckley and  
Bosworth District, Leicestershire

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DECISION

This reference relates to the question of the ownership of land known (or in the Register said to be known) as Waste Land, Queen Street (west end), Markfield, Hinckley and Bosworth District being the land comprised in the 4<sup>th</sup> and Section of Register Unit No CL. 32 in the Register of Common Land 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 Mr A H Holderness claimed ownership of the land in question. No other person claimed to be the freehold owner of the land 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 20 April 1977. At the hearing Mr C H and Mrs D J Holderness were represented by Mr R F Adkinson, solicitor of Crane & Walton, Solicitors of Leicester.

In the course of his evidence Mr Holderness produced: (1) a conveyance dated 10 July 1968 by which Mr E W and Mrs H M Brownlow conveyed to him and Mrs Holderness the dwelling house known as The Quarry with the Licensed Caravan Site adjacent (formerly used as a public house known as The Quarrymans Arms); (2) a statutory declaration made on 2 July 1968 by Mr & Mrs Brownlow; (3) a statutory declaration made on 5 July 1968 by Mr F C Wright; and (4) a letter dated 2 January 1968 from the County Council. After the hearing, I inspected the land.

The land ("the Unit Land") comprised in this Register Unit is about 20 feet square with the southeast corner rounded off, now laid out as a flower bed, on the south-east side of the forecourt in front of the dwelling house and buildings known as "The Quarries". Although in the Register said to be "known as Waste Land", it does not now look like waste land.

The parcels of the 1968 conveyance include part of the said forecourt and also "(to the extent of the estate and interest of the Vendors therein) ALL THAT piece of land coloured green on the said plan". The land so coloured comprises the Unit Land and the part of the forecourt to the north. Mr & Mrs Brownlow in their 1968 declaration say that the land comprised in the 1968 conveyance other than the green land was conveyed to them in 1956 by Marston Thompson & Evershed Ltd and that in 1956 they took possession of the green land as a parking space for the property and had it tarmacadamed in 1962. Mr Wright (a director of Marston Thompson & Evershed Ltd) in his 1968 declaration said (in effect) that The Quarryman's Arms before it was delicensed and sold to Mr & Mrs Brownlow in 1956, had belonged to the said company or its predecessors since 1900, and that to his knowledge the green land had been used for the past 20 years as part of the forecourt to The Quarryman's Arms. In 1968 the County Council letter showed the highway boundary to the north and northeast of the Unit Land. Mr Holderness said (in effect) that



the green land they purchased in 1968 was in part tarmacadamed and in part a triangle about 9 yards by 7 yards planted as a flower garden which had apparently been maintained by the Brownlows, and that during his ownership he had on to the garden part imported some soil, lifted the level and planted it with rosebushes.

On the evidence summarised above I conclude that Mr & Mrs Holderness are in possession of the Unit Land in circumstances which make it practically certain that their possession will never be successfully disturbed. Such evidence is equivalent to ownership, and I am therefore satisfied that they are the owners of the Unit Land and I shall accordingly direct the Leicestershire County Council as registration authority to register Mr Charles Horace Holderness and Mrs Daphne Joan Holderness both of The Quarries, Queen Street, Markfield 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 27<sup>th</sup> day of April — 1977

a. a. Baskin Fuller

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Commons Commissioner