



In the Matter of Holy Trinity Bridge,
Crowland, Lincolnshire (No 1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No VG 31 in the Register of Town or Village Greens maintained by the former Holland County Council and is occasioned by Objection No 258 made by the former County Council and noted in the Register on 26 November 1971.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 19 April 1978. The hearing was attended by Dr D G Teall, the applicant for the registration, and Mr A G Dyer, Senior Assistant Solicitor of the Lincolnshire County Council.

The Holy Trinity Bridge in Crowland is unique in the strict sense of that much abused word. It is a medieval structure built at the junction of two streams to enable passengers to cross to and from the land between the streams. The streams have long since been diverted, and the bridge, having dry land beneath it, no longer serves any useful purpose and is preserved as an antiquity.

The bridge itself is obviously unsuited for games and pastimes, but Dr Teall suggested that the land on which it stands fall within the definition of "town or village green" in S.22(1) of the Commons Registration Act 1965 because children play under the bridge. I have no doubt that children do sometimes play under the bridge, especially when it is raining, but this is far from proving that they have done so as of right for more than 20 years, so as to fall within the definition. Dr Teall, however, made the registration with the object of safeguarding the bridge and not in order to preserve the right of children to play under it. Dr Teall's object can be achieved under the legislation relating to ancient monuments. To attempt to do it by applying to have the bridge registered as a town or village green is, in my view, a misuse of the Act of 1965.

For these reasons I refuse to confirm the registration.

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

19~~7~~2

day of

May

1978

[Handwritten Signature]

CHIEF COMMONS COMMISSIONER