



In the Matter of North Street
Village Green, Crowland Lincolnshire
(No.1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No.VG.12 in the Register of Town or Village Greens maintained by the former Holland County Council and is occasioned by the conflicting registration at Entry No. 2 in the same section of the register unit.

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 F J Hughes, of Counsel, on behalf of the Crowland Parish Council, the applicant for the conflicting registration.

The land comprised in the Register Unit is an island situate in South Street, Crowland. It is now covered in grass with some trees on it and has the appearance of a piece of waste land. This appearance is, however, deceptive, for at one time it had on it houses belonging to a Mr Harry Allwood. These houses were pulled down about 50 years ago, and the site remained derelict until about 1946, when the Parish Council began to clear away the cement and bricks with which it was then covered. After two or three years the clearance had been completed and the area was grassed over. Since then the Parish Council has paid for the cutting of the grass and the general maintenance of the land, including the trimming of the trees.

Dr Teall applied for the registration in the belief that the land was waste land of the manor and so his property as Lord of the Manor. The facts disclosed at the hearing make it quite clear that that belief was mistaken. The situation of the land makes it seem likely that it was at some distant period the property of the Lord of the Manor, and it may also have been waste, but if so, it ceased to be waste land of the manor when the houses were built.

In my view, the Parish Council has obtained a title to this land by adverse possession.

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 5th DAY OF July

1978
[Signature]
Chief Commons Commissioner