

In the Matter of The Village Green, Chapel St Leonard's,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Chapel St Leonard's, being the land comprised in the Land Section of Register Unit No. VG 34 in the Register of Town or Village Greens maintained by the Lincolnshire 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 the Chapel St Leonard's Parish Council 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 Lincoln on 9 November 1981.

At the hearing the Parish Council was represented by Mr J H Draycott, its Clerk.

By a letter dated 12 November 1909 the former Spilsby Rural District Council informed the Parish Council that it had resolved to transfer its rights "whatever they may be" over the Village Green to the Parish Council and by letter dated 18 November 1909 the Parish Council stated that it accepted the transfer.

Even if the Rural District Council was the owner of the fee simple interest in the land, this exchange of letters could not have the effect of vesting that interest in the Parish Council.

Mr Draycott has known the land for the last 22 years. When he first knew it, there was a shelter on it, but there was no evidence as to by whom the shelter was placed there. When the shelter became derelict, it was taken down by the Parish Council. About five years ago the Parish Council planted some trees in the land. During the last three years the Parish Council has erected a Christmas tree on the land, and during the last year the Council has placed four concrete seats on the land.

While there is evidence that the Parish Council has taken possession of the land, that possession has not continued long enough for the Council to have acquired a possessory title.

On the available evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the Chapel St Leonard's Parish Council as the owner of the land under section 8(3) 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.

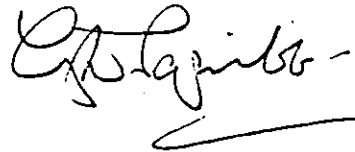
Dated this

25th

day of

November

1981



Chief Commons Commissioner