



In the Matter of The Village Green, Tattershall,
Tattershall-with-Thorpe, Lincolnshire.

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Tattershall, Tattershall-with-Thorpe, being the land comprised in the Land Section of Register Unit No. VG 29 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 Tattershall-with-Thorpe Parish Council and Mr P E L Fellowes each 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.

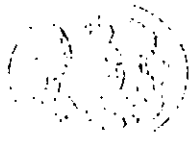
At the hearing the Tattershall-with-Thorpe Parish Council was represented by Mr J D Tomlinson, its Clerk, and Mr Fellowes appeared in person.

Mr Fellowes is the personal representative of the late Mr Peregrine Fellowes, who died on 22 July 1972 and probate of whose will was granted to Mr P E L Fellowes on 12 April 1975.

The late Mr P Fellowes acquired the lordship of the manor of Tattershall by a conveyance made 17 December 1964 between (1) David Packham (2) Peregrine Fellowes. Mr Packham had a good root of title in a conveyance made 2 December 1975 between (1) George Leach Tweedale (2) John Lionel Beaumont.

The parcels of these conveyances consisted solely of the lordship of the manor, Mr Beaumont being the well-known dealer in manorial lordships. However, although the parcels contained no land, there would pass with the lordship all waste land of the manor by virtue of section 62 of the Law of Property Act 1925. The land the subject of the reference is waste land on the technical sense of that expression, being open, unoccupied, and uncultivated.

There was no evidence as to the territorial limits of the manor of Tattershall, but there was some evidence that the lord of the manor had acted and been accepted as the owner of the land the subject of the reference. The records of the former Lindsey County Council show that in 1945 a part of the Green was dedicated as part of the highway by a former lord of the manor. In a letter dated 20 May 1962 the Clerk of the former Tattershall Parish Council addressed Capt Packham as the owner of the Green. In 1975 the Parish Council sought the permission of Mr P E L Fellowes to lop trees, and in 1980 Mr Fellowes gave permission to the Parish Council to fell trees.



On the other hand, the Parish Council has collected the wayleave rents payable in respect of electricity and telephone lines across the Green. However, the Parish Council has no documentary title to the land, and Mr Tomlinson said that he was not arguing that the evidence adduced by Mr Fellowes did not show that Mr Fellowes was the owner of the land.

On the balance of probabilities I am satisfied that Mr P E L Fellowes is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register him as the owner 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 25th day of November 1981

[Handwritten signature]

Chief Commons Commissioner