



In the Matter of Torner Sandpit, Westhorpe.
Gosberton, Lincolnshire.

DECISION

This reference relates to the question of the ownership of land formerly a sandpit near Sand Pit Farm, Westhorpe, Gosberton, being the land comprised in the Land Section of Register Unit No CL 35 in the Register of Common Land maintained by the former Holland 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 Gosberton Parish Council and Mrs A M Teall 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 Spalding on 18 April 1978.

At the hearing the Parish Council was represented by Mr W D Skells, its Chairman, and Mr W L Fraser, solicitor, appeared on behalf of Dr D G Teall, the son of Mrs Teall.

The land the subject of the reference was let by the Parish Council as long ago as 1904 and the Council received rent for it until the sand was exhausted. The Council then used it as a rubbish tip. When it was filled and grassed, the Council again let it and has continued to receive the rent.

Dr Teall claimed that the land was part of the waste land of the manor of Gosberton and that he, as successor to his mother in the lordship of the manor of Crowland, was the owner of such waste land. Dr Teall said that this claim was based on what he had been told by Mr Lionel Beaumont, a solicitor, who sold the lordship to Mrs Teall in 1967.

Whatever may have been the accuracy of Mr Beaumont's assertion, it is, in my view, clear that the Parish Council, if not otherwise entitled to this land, has now acquired a possessory title by adverse possession.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the Parish Council 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

5~~th~~

day of

May

1978

G. J. P. [Signature]

CHIEF COMMONS COMMISSIONER