



COMMONS REGISTRATION ACT 1965

Reference No.26/U/4

In the Matter of Stanwell Open
Space, Middleton Cheney, Brackley
R.D., Northamptonshire

DECISION

This reference relates to the question of the ownership of land known as Stanwell Open Space, Middleton Cheney, Brackley Rural District being the land comprised in the Land Section of Register Unit No.VG.8 in the Register of Town or Village Greens maintained by the Northamptonshire 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 Middleton Cheney Parish Council claimed to be the freehold owner of the land in question. Lieutenant-Colonel John Stockton and Mr. John Marcus Neal in letters dated 21 December 1972 and 19 January 1973 from their solicitors said they might wish to claim ownership, as the persons in whom the Lordship of the Manor of Middleton Cheney is now vested; however in a letter dated 18 June 1973 from their solicitors they withdrew their claim. No other person claimed to be the owner or 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 Northampton on 28 June 1973. The hearing was attended by Middleton Cheney Parish Council who were represented by Mrs. E. M. Addley their Deputy Clerk.

Mrs. Addley who has lived in the Village for the last 7 years and whose husband Mr. D. B. Addley is clerk of the Parish Council, in her evidence explained how the Council had acquired the land. The Village has 3000 and upwards inhabitants and is steadily increasing. The Stanwell Housing Estate situate north east of the High Street, was completed sometime before 1965 by Clarke Bros. (Leamington) Limited ("Clarke Ltd."), who were the Builders and Contractors. In a letter dated 17 July 1965 Clarke Ltd. wrote to the Parish Council asking if they were prepared to take over the open space that had been left on the Estate and to accept responsibility for fencing and maintaining the area of ground concerned. This letter crossed a letter ~~dated~~ dated 17 July 1965 from the Parish Council referring to complaints regarding the condition of the Open Space or Play Area and suggesting discussions. A meeting was held on 2 October 1965. As a result the Parish Council agreed to accept the Area and Clarke Ltd. instructed their Solicitors. There then followed a conveyance dated 29 November 1965 by which Mr. J. A. Stancer and Mr. J. Staite ("the Owners") by the direction of F. G. Watson Limited ("The Company": it was recited that they had purchased from the Owners) conveyed to the Parish Council the land therein described (Mrs. Addley identified it with that now comprised in this Register Unit) upon trust "as a public ground for the purposes of the Recreation Grounds Act 1859". Since the conveyance, the Parish Council have managed the land. It is nearly rectangular, and (as I scale the Register map) about 97 yards by 63 yards. It is well used by children from the Estate. The Parish Council arrange for the cutting of the grass and have provided a sand pit and swings.



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As far as Mrs. Addley was aware the Parish Council had no abstract of the title of either Clarke Ltd. or the Owners but nobody has ever challenged the ownership of the Council under the 1965 conveyance. Having regard to the circumstances in which Clarke Ltd. arranged the conveyance and the subsequent possession of the Parish Council under it, I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Northamptonshire County Council, as registration authority, to register Middleton Cheney Parish Council as the owners 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

9th

day of

July

1973.

A. A. Baden Fuller

Commons Commissioner