



In the Matter of Mill Watering Place Retford
Road in the parish of Blyth Nottinghamshire

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.38 in the Register of Common Land maintained by the Nottinghamshire County Council and is occasioned by Objection No. 14 made by C H Durdy Ltd and noted in the Register on 24 September 1970 and to the registration at Entry No 1 in the Ownership Section of the said Register Unit occasioned by objection No. 15 made by B H Durdy and noted in the Register on 24 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Nottingham on 13 January 1981. The hearing was attended by Mr J Healey (Chairman) on behalf of Blyth Parish Council and Mr B J Durdy on behalf of himself and C H Durdy Ltd.

Mr Healey produced extracts from a parish award relating to 'The Mill Tail' and from a Title award made in 1842 which he said supported his claim that at that time the land was not in private ownership because it was exempt from payment of title. He also produced a copy of the particulars of Sale published when The Mill Farm was sold in 1930. In the parish awards the land is described as Ord. No. 2026 Rough 705 acres. The Vendor was stated only to be selling such ~~interest~~ as he had in Ord. No. 2026. Mr Durdy said that his father bought the land as part of The Mill Farm in about 1962 and for 10-14 years before that sale the farm had been owned by his uncle. He had known the land since he was 13 years old. At that time there was no water coming down to the pond which he regarded as part of Mill Farm. In 1963 with the aid of a government grant he excavated a pond on the land, built a pump house and put in the pump and underground pipes.

I gave him the opportunity of producing the documents of title. I have inspected these and they showed that at least since 1930 the land has been farmed as part of The Mill Farm. There was no evidence of any public user of the Mill Watering Place.

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

12th

day of

March

1981

George Herbert
Commons Commissioner