



Reference No. 228/U/122

In the matter of The Pinfold,
East Markham, Bassetlaw
District, Nottinghamshire

DECISION

This reference relates to the question of the ownership of land known as The Pinfold on the west side of Plantation Road opposite to Plantation Avenue, in East Markham, Bassetlaw District being the land comprised in the Land Section of Register Unit no. CL 7 in the Register of Common Land maintained by the Nottinghamshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965.

Following upon the public notice of this reference East Markham Parish Council claimed (a letter dated 3 February 1985 from their Clerk) to be the freehold owner of the land in question under a deed of gift dated 14 December 1976 and made to them by Gertrude Muriel Lumb. No other person claimed to be the owner of the land or 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 Nottingham on 14 May 1985. At the hearing East Markham Parish Council were represented by Mr William Bernard Clark their chairman; present also was Mrs Rosaline Andrews their vice-chairman.

The land ("the Unit Land") in this Register Unit is approximately square with sides of about 25 feet. On it is a notice "EAST MARKHAM: ANCIENT MONUMENT".

Mr W B Clark who has lived in the Parish since 1967, been a member of the Parish Council since 1979 and their chairman for just over a year in the course of his oral evidence produced:- (1) the said 1976 deed of gift (PC/10), (2) a copy (examined 17 January 1977 by Ramsden Syke & Ramsden) of a conveyance dated 2 October 1959 by Albert Edward Houghton to Gertrude Muriel Lumb of first freehold property comprising 6.191 acres described on the plan annexed to a recited conveyance of 13 September 1954 and secondly the Manor or Lordship or reputed Manor or Lordship of East Markham, Headon and Upton together with all waste grounds, commons and other lands, and (3) a certified copy of the 1954 conveyance plan (PC/12 bound up with PC/11) marking The Pinfold as on the 1976 deed of gift plan, and (4) a letter (PC/13) dated 6 September 1930 from F Houlton Wrench AMICE containing the words:-
"so when Colonel Knowle planted the trees round the Hill field he provided and built the present Pinfold and removed the old unsightly one from The Green."

Mr Clark said (in effect):- The Pinfold (as it now is) has stone walls about 4 feet 6 inches high in good repair with a 6 to 7 feet gate across the entrance. In about the end of 1966 and early part of 1967 the Parish Council (before they owned it) spent approximately £100 restoring The Pinfold, and afterwards discovered that they did not own it. The position was very generously regularised by Mrs Lumb under the 1976 deed of gift. The 1930 letter showed that the Pinfold was originally on The Green (now Register Unit No. VG6) but was moved by Colonel Knowle when he planted the trees; he (the witness) estimated by looking at the trees referred to that they were planted between 1865 and 1880; on the Village Green (VG6) some bits of the old Pinfold can still be seen.



- 2 -

On this evidence I am satisfied that the Parish Council are the owners —————> of the land, and I shall accordingly direct the Nottinghamshire County Council, as registration authority, to register East Markham 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 19th — day of December 1985.

A. A. Baden Fuller

Commons Commissioner