



## COMMONS REGISTRATION ACT 1965

Reference Nos: 231/U/18  
231/U/19  
231/U/21  
231/U/22

In the Matter of

- (1) the allotments, Myndtown,
- (2) the school grounds, Myndtown,
- (3) the Allotments, Wentnor Prolley Moor, and
- (4) The Turbary on the Long Mynd adjacent to Pole Bank Cottage, all in Myndtown Combined Parish, South Shropshire District, Salop

DECISION

These references relate to the question of the ownership of lands known as (1) the allotments, Myndtown, (2) the school grounds, Myndtown, (3) the Allotments, Wentnor Prolley Moor, and (4) The Turbary on the Long Mynd adjacent to Pole Bank Cottage, all in Myndtown Combined Parish, South Shropshire District, being the lands comprised in the Land Section of Register Unit (1) No. CL55, (2) No. CL56, (3) No. CL62 and (4) No. CL63 in the Register of Common Land maintained by the Salop 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 these references no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Shrewsbury on 21 June 1978. At the hearing Myndtown Combined Parish Council (for Myndtown, Norbury, Wentnor and Ratlinghope) were represented by Mr S A Brookfield their chairman.

Oral evidence was given by Mr Brookfield who has lived in the Parish (Wentnor) for 17 years and by Mr T L Morris who has lived in the Parish (Wentnor) for 50 years (he is aged 55 years); they are members of the Parish Council having been such, successively of the Wentnor Council and of the Combined Council, for 15 and 20 years respectively. They knew of no documentary evidence in support of any ownership claim, although Mr Brookfield thought there was an enclosure in about 1858 (he had seen some maps 2 or 3 years ago).

The CL62 land (the Allotments, Wentnor) is about  $\frac{1}{2}$  mile east of Wentnor and about 1 mile north of Asterton being on the north side of one of the roads which join them. The land contains about 4 acres. It was at one time let as allotments, so Mr Morris was told by his father (he and his father before him had been chairman of the Wentnor Parish Council). But as he (Mr Morris) remembered, the land had always been grassland and had been every year let by the Parish Council together with an adjoining piece of land (Register Unit No. CL61 containing about 2 acres, not the subject of any of these references); such lettings were by tender and for 11 months grazing. Before about 1962 for each 11 months the rent was £6; now it is more.



The CL55 land and the CL56 land (the allotments and school grounds, Myndtown) adjoin and are about  $\frac{1}{2}$  mile north of Asterton and east of the said road. They contain about 3 acres and 2 acres respectively. Currently they are let by tender, by the Parish Council, but before the formation of the Combined Council they were let every year by tender by the Myndtown Parish Meeting for 11 months grazing.

The above-mentioned rents have been treated as part of the general funds of the Parish Council (or of the Parish Meeting), much of them being used for improvements, eg repair of gates, reseeding, etc.

If as seems to be likely, the CL62, 55 and 56 lands were allotted by some enclosure award to the churchwardens and overseers of the poor, they would by operation of law be now vested in the Combined Parish Council. I need not I think investigate whether there was any such allotment, because on the evidence summarised above, I conclude that the Parish Council are in possession, and that it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Combined Council is the owner of all of them, and I shall accordingly direct the Salop County Council to register Myndtown Combined Parish Council as the owner of the lands (CL62, CL55 and CL56) under Section 8(2) of the Act of 1965.

The CL63 land (The Turbary, Wentnor) is about 2 miles north-north-east of Asterton, ~~west~~ <sup>near</sup> the top of the extensive area known as The Long Mynd. The land contains about  $6\frac{1}{2}$  acres.

Mr Brookfield said that a large part of the ground surrounding the CL63 land had been purchased by the National Trust, and they had written letters claiming ownership. Mr Morris said that his father had told him that it was a turbary for the poor of the Parish, and they used to cūgt from there up to about 1922; now it is not (in appearance) a distinct piece of land (there are no boundaries), and he (Mr Morris) had never heard of it being let either for shooting (grouse; the shooting might be worth more than the ground) or any other purpose; the Parish Council had never done anything about it.

In the absence of any evidence of ownership I am not satisfied that any person is the owner of the CL63 land, and it will therefore remain subject to protection under Section 9 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 13<sup>th</sup> day of July - 1978

*a. a. Baden Fuller*

Commons Commissioner