



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/34

In the Matter of (1) the Village Green bordering on the High Street, (2) the War Memorial and (3) the Village Green at the corner of Cotswold Drive and Station Road, all in Albrighton, Bridgnorth D., Salop

This reference relates to the question of the ownership of three pieces of land known as (1) the Village Green (about 1 acre) bordering on the High Street, (2) The War Memorial (about 0.05 acres) and (3) The Village Green (about 0.05 acres) at the corner of Cotswold Drive and Station Road, all in Albrighton, Bridgnorth District being the land comprised in the Land Section of Register Unit No. VG.10 in the Register of Town or Village Greens 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 this reference Albrighton Parish Council 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 Shrewsbury on 18 February 1975. At the hearing Albrighton Parish Council were represented by Mr. A.R. Matthias, their clerk (Mr. P.H. Joseland, one of their members was present), and Bridgnorth District Council were represented by Mr. F.R.P. Boughey (one of their employees).

Mr. Matthias who has lived in the Village since 1951 and been clerk of the Parish Council since 1973, in the course of his evidence produced the Parish Council Cash Account Book from 1895 to date, a conveyance dated 27 February 1968 and made between Colwil Properties Limited and the Parish Council, and a copy of a deed of dedication dated 3 August 1960 and made between Lloyds Bank Limited and the Parish Council.

The High Street Green (the largest of the three pieces) is a strip of land between 400 and 500 yards long bounded on the north by the High Street; over and across it there are a number of roads providing access to the numerous houses and shops which are on the south side, and front on to it; apart from these roads this Green is grass land with some lime trees. The Account Book from 1924 includes items such as "Lime trees", "Road mending", and "lopping trees", which Mr. Matthias identified as referring to expenditure on the upkeep of this Green. By the 1968 deed the Bank dedicated the part (1,010 square feet) of this Green opposite their premises "to the intent that the said piece ... shall form part of the Village Green".

The Account Book from 1924 also includes items of expenditure "War Memorial", and items of receipt in respect of interest on £61 War Stock (still held). Mr. Matthias



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said that the War Stock represented the balance of the money collected after the 1914-18 war for the Memorial, and that he had been told by Mr. Heatley (a member of the Council) that the land for the War Memorial had after the 1914-18 war been given to the Village by his mother.

By the 1968 conveyance the Station Road Green was conveyed to the Parish Council upon trust for the perpetual use thereof by the public for the purposes of exercise and recreation pursuant to the provisions of the Open Spaces Act 1906.

Generally as regards all three pieces, Mr. Matthias said that they, since he had lived in the Village, had been mown and kept tidy by the Council; two men are employed by the Council to look after these lands and other lands (including a recreation ground) owned by the Council.

Three days after the hearing, I inspected the three pieces of land. On the High Street Green there are notice boards apparently erected by the Parish Council and other signs (such as seats and waste paper receptacles) showing the interest of the Parish Council. The War Memorial Green has apparently been made level with the road by an excavation to the hill, so that southwest and southeast sides are a rock face; it is separated from the road by a low stone wall with an iron gate; in the middle the fine crucifix memorial is flanked by a yew and weeping willow. The Station Road Green is a small piece of open ground at the corner where this road is joined by Cotswold Drive; on it there are two seats and a recently planted tree.

In the particular circumstances of this case, it may not matter much whether I am satisfied as to the ownership of the Parish Council and then under subsection (2) of section 8 of the 1965 Act direct their registration as owners, because if I am not satisfied as to the ownership of any person (there was no evidence that anyone other than the Parish Council could be the owner) I am required by subsection (3) of section 8 to direct the registration of the Parish Council as owners. Although the 1960 deed proceeds on the basis that the part of the High Street Green opposite the Bank was in their ownership, no persons either at the hearing or at any other time, have, because they owned land fronting on this Green, or for any other reason, claimed to be owners; on the evidence outlined above, I conclude that the Parish Council have since 1924 been in possession of the High Street Green and that it is practically certain that their possession will not be disturbed, and that accordingly they have acquired a possessory title to it independently of the 1960 deed. Having regard to the special nature of the War Memorial Green, on similar considerations, I conclude that the Parish Council have a possessory title to this Green also. Although the paper title of the Council of the Station Road Green goes back to no more than 7 years, having regard to the present state of this Green, I conclude also that the Council are the owners of it.

For these reasons I am satisfied that the Parish Council are the owners of all the land comprised in this Register Unit, and I shall accordingly direct the Salop County Council, as registration authority to register Albrighton 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 27th

day of February 1975

a. a. Baden Fuller.

Commons Commissioner