



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/59

In the Matter of The Garden Allotment,
Chelmarsh, Salop

DECISION

This reference relates to the question of the ownership of land known as The Garden Allotment, Chelmarsh being the land comprised in the Land Section of Register Unit No. CL 90 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 this reference Chelmarsh 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 Ludlow on 23 January 1979.

At the hearing Mr J L H Riches, Solicitor, of the Firm of Fowles, Langley & Wright, Bridgenorth, appeared for Chelmarsh Parish Council, and there were no other appearances.

Evidence was given by Mrs R E J Yeomans, who is and has for the past ten years, been Clerk to the Parish Council, and has lived in the Village for some 13½ years. As Clerk she has been involved in the management and letting of the land. In 1969 it was let by the Parish Council to the local cricket club on a seven year lease: This letting has continued and a new 28 year lease is in the course of being granted. The Parish Council's Receipts and Payments Book records receipts of the rent of the Council from the cricket club, which has erected a pavilion on the land.

Before 1969 a local farmer exercised grazing rights on the land for which he paid a rent to the Parish Council. In Mrs Yeomans's time as Clerk no one had claimed an interest in the land or objected to the Parish Council's use of it.

Evidence was also given by Mrs A H Jones, who had lived in Chelmarsh for over 39 years and whose father in law had paid rent to the Parish Council for the use of the land, and by Mr G Poundford (in a statutory declaration) to the effect that the land had been used first as allotments and later as a cricket field under the management of the Parish Council.

On this evidence I am ~~not~~ satisfied that the Parish Council has established a possessory title and is the owner of the land, and I shall accordingly direct the Salop County Council as registration authority, to register Chelmarsh 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

12th

day of

March

1979

L. J. Morris Smith
Commons Commissioner