



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/63

In the matter of The Turbary adjacent to Pole Bank Cottage, Wentnor, Shropshire

Decision

This reference relates to the question of the ownership of the above-mentioned land being the land comprised in the Land Section of Register Unit No. CL63 in the Register of Common Land maintained by the Shropshire 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 claims to ownership of the land were made by the National Trust for Places of Historic Interest or Natural Beauty and by Wentnor Parish Meeting. I held a hearing for the purpose of inquiring into the question of the ownership of the land at Shrewsbury on 10 May 2001.

The hearing was attended by Mr Mark Weston (on behalf of Shropshire County Council), Ms Josephine Nieves and Mr B Shipton (on behalf of the National Trust) and Mrs P Varcoe and Mr S A Brookfield (on behalf of Wentnor Parish Meeting).

The land is described in the land section of Register Unit No. CL63 as comprising 6.563 acres and edged in green on the Register map.

By a conveyance dated 11 May 1965 and made between Ingleby Holdings Limited of the one part and the National Trust of the other part there was conveyed to the National Trust (inter alia) Pole Cottage and 11.074 acres of land including a parcel described as "Rough" and measuring 6.563 acres. The conveyance refers to a plan on a previous conveyance, dated 22 September 1964, and this plan includes a rectangular area just south of Pole Cottage, which precisely corresponds with this register unit as shown on the Register map.

Mr Brookfield drew my attention to an Enclosure Award made in 1851 whereby a piece of land measuring 2 acres and shown numbered 50 on the map therein referred to was allotted, in effect, to the parishioners of Wentnor for cutting and taking peat. But examination of that map, in particular the roads and tracks thereon, shows that this piece of land lies wholly to the south of this Register unit. I conclude that this Enclosure Award does not in any way provide a basis for challenging the National Trust's title under the 1965 conveyance.

No other claim was made or evidence produced, at the hearing to cast doubt on that title.



I am accordingly satisfied that the National Trust aforesaid is the owner of the land, and I shall accordingly direct the Shropshire County Council, as registration authority, to register it 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 22 day of May 2001

A handwritten signature in cursive script that reads "Ian Rowler".

Chief Commons Commissioner