



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/12

In the Matter of Village Green,
Condover

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 21 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 Condover Parish Council and Mr I J Thorne each 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 26 March 1980.

At the hearing the Parish Council was represented by its Clerk, Mr D K Palmer, and Mr M W Renshaw, Solicitor, of the firm of Wace Morgan and Salt, appeared on behalf of Mr Thorne.

The Green ("the Unit land") is a small triangular area of grass land, the eastern and southern sides of which adjoin the roadway, and the northern side of which adjoins the school yard. Immediately to the west and fronting the road is the Smithy at the rear of which is a shed in which were kept the blacksmith's materials and equipment.

Evidence was given on behalf of the Parish Council by Miss J Wood a member of the Shropshire Archaeological Society, who gave some account of the history of the Village and the Smithy which for many years was occupied by tenants of the Squire; they carried on wheelwright work on the western section of the Unit land, whilst the eastern section was occupied by farm drays and wagons awaiting attention. There were some local events at the eastern end eg. occasional maypole dancing and two or three trees were planted there.

Mr A J Addis who has lived in Condover for over 50 years said that the Smithy activities extended on to about 12 yards of the grass in front of the school: vehicles and farming implements requiring attention were left on the eastern section. Children had always used the Unit land as a playground. Mr Palmer referred to minutes of October 1949 and March 1969 in the Parish Council Minute Books authorising letters to be written about the lighting of fires and the parking of lorries on the Unit land.

It appeared from Mr I J Thorne's evidence that the Smithy House and Blacksmith's Shop and part of the Unit land to the east of the buildings were held by his



father on a tenancy from the owner from 1902 to 1932; from 1932 to 1957 the tenancy was that of himself and his father jointly. During the tenancy various items of plant were sited on the part of the land comprised in the tenancy, and the tenant also had control of the rest of the Unit land subject to conditions specified by the landlord.

The blacksmith's business ceased about 1928 and the items of plant were removed, but Mr Thorne's evidence was to the effect that access to the shop was still enjoyed over the part of the Unit land comprised in the tenancy. Mr Thorne said that in 1957 he purchased the buildings and land he had previously rented and that he retained control of the rest. The Conveyance of the property was dated 28 August 1957 but the parcels consist only of the buildings and do not include any part of the Unit land.

Mr Renshaw told me that his client's main concern was to maintain a right of access over part of the Unit land to the Smithy property. In my view Mr Thorne's use of the land for the purposes of his business was clearly referable to the arrangements with his landlord and did not constitute adverse possession and there was no evidence of exclusive possession of any part of the Unit land after he purchased the Smithy in 1957, sufficient to constitute a title by adverse possession since then. I am not satisfied that Mr Thorne is the owner of any part of the Green, and it is not the function of this inquiry to determine whether or not there is a right of way over the Green.

Nor am I satisfied on the evidence that the Parish Council or any other person is the owner.

I shall accordingly direct the Salop County Council, as registration authority, to register Condover Parish Council as the owner of the land under section 8(5) 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

10 April

1980

L. J. Morris Smith

Commons Commissioner