



COMMONS REGISTRATION ACT 1965

Reference Nos. 33/U/12
33/U/13

In the Matters of (1) Allimore Green Common and
(2) Dale Common, Haughton, Stafford D.,
Staffordshire

DECISION

These references relate to the question of the ownership of lands known as (1) Allimore Green Common and (2) Dale Common, both in Haughton, Stafford District being the lands comprised in the Land Section of Register Unit (1) No. CL.22 and (2) No. CL.23 respectively in the Register of Common Land maintained by the Staffordshire 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 hearings for the purpose of inquiring into the question of the ownership of the lands at Stafford on 23 May 1973 and 12 November 1974. At the 1973 hearing, Staffordshire Nature Conservation Trust Limited were represented by Mr F.C. Gribble formerly their secretary and now a member of the Council of the Trust, and Haughton Parish Council were represented by Mr P.A. Wall their clerk. At the 1974 hearings the Parish Council were represented by Mr R.F. Baker solicitor of Paul Butters & Co. Solicitors of Stafford.

At the first (1973) hearing:-

Mr Gribble said (in effect):- The Parish Council leased to the Trust grazing rights over Allimore Green Common last year; the grazing rights are put out annually for a 50 weeks lease for tender; the Trust did not get them this year (1973) because they were let to a farmer. The Parish Council some years ago put a hedge along the road and a five barred gate which is kept locked in order to keep out gypsies. The Common is wholly enclosed, but there is a right of way for cattle across the southern part (near the Boundary) for the purpose of going to and from two fields on either side. The grazing rights over Dale Common are similarly leased by the Parish Council.

Mr Petefield who was representing the County Council as registration authority mentioned that there were negotiations in relation to these lands as to bringing into operation a scheme of management.



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After an adjournment Mr Petefield who was an articled clerk to the Clerk of the Staffordshire County Council produced the following documents from the William Salt Library of which the County Council is a trustee (William Salt died in the 1860s and his library includes copies of local documents which he commissioned):-

(A) A map entitled "Plan of the Parish of Haughton" endorsed "Copied from the Parish Plan: Edmd. Ash. May 1944", which showed on the northeast side of the Parish a plot "463 THE DALE" which appears to be the same as Dale Common (CL.23) and on the south of the Parish a plot "182 ALLIMORE GREEN" which appears to be the same as Allimore Green Common (CL.22). And (B) A manuscript headed "Haughton Parish 97" consisting of three brief sized pieces of paper (bound up bookwise foolscap size so as to form 12 pages) which appears to be a list of the lands in the parish according to the headings mentioned below. In the middle page (right) there appears the following entry:-

| <u>Land Owners</u> | <u>Occupiers</u> | <u>Mr</u> | <u>Names of Fields</u> | <u>A.r.p.</u> |
|-------------------------|------------------|-----------|------------------------|---------------|
| Freeholders of Haughton | In hand | 463 | The Dale | 4.1.-- |
| - | - | 182 | Allimore Green | 6.--. |
| - | John Fowler | 87 | Ho. and Garden Croft | <u>2.3.4.</u> |
| | | | | <u>13.0.</u> |

The manuscript ends with a statement that the total of Haughton Parish was 1860.1.21.

At the conclusion of the first hearing, on the application of Mr Wall I adjourned the proceedings.

Between the two hearings a letter was received by the Clerk of the Commons Commissioners from the Staffordshire Nature Conservation Trust Limited stating (among other things) that the Trust is concerned to preserve unique flora and fauna of Allimore Green Common and had written to the Clerk of the Parish Council asking if his Council would enter into a formal management/nature reserve agreement with the Trust to preserve the flora and fauna. With this letter was enclosed a copy of a letter written by the Trust to the Parish Council and various documents including a list of the flowering plants which had been recorded on Allimore Green Common recently (particularising those which are rare or of exceptional interest) and also a list of the lepidoptera recorded.

At the second (1974) hearing:-

Mr A. Bennett who is chairman of the Parish Council and has lived in the Parish for 15 years gave evidence in the course of which he produced: (i) the Parish Council Minute Book of their meetings between 1894 and 1956, (ii) the Parish Council audited Account Book from 1942 onwards, and (iii) copies of the current lettings (for grazing) of both Commons from 1 April 1974. The Minute Book shows that the Council between 1896 and 1923 from time to time discussed problems (occasioned by gypsies) as to the Commons, that in about 1923 the Commons were fenced at a cost which except for £30 contributed by the landowners was paid for by the Parish Council, and that after 1924 the Parish Council regularly arranged for both Commons to be let every year and from time to time arranged



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for the repair of the hedges and gates and for other maintenance of the Commons. The Account Book showed regular yearly receipts of rent in respect of both Commons. Mr Bennett said that he did not know of anybody ever having contested the ownership of the Parish Council and that there was nothing in the Minute Books to suggest that their ownership had ever been contested.

In my opinion the evidence outlined above shows that the Parish Council are in possession of both these lands and that their possession is undisputed and unlikely to be disturbed. Possession in such circumstances is equivalent to ownership. For these reasons I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Staffordshire County Council as registration authority to register Houghton Parish Council as the owners of the lands 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 24th

day of January

1975

a. a. Baden Fuller

Commons Commissioner