



COMMONS REGISTRATION ACT 1965

Reference No 233/U/95

In the Matter of Belt Road Recreation
Ground, Hightown, Cannock Chase
District, Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Belt Road Recreation Ground, Hightown, Cannock Chase District being the land comprised in the Land Section of Register Unit No VG. 2 in the Register of Town or Village Greens 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 this reference no person claimed to be the freehold owner of the land in question and no 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 Lichfield on 14 December 1977. At the hearing Cannock Chase District Council were represented by Mrs H L M Jones, solicitor of their Secretary's Department.

Mrs Jones in the course of her evidence produced: (1) a copy of the application for the registration dated 17 August 1967 and made on behalf of Cannock Urban District Council by Mr H C Allen with map, (2) an extract from the Cannock Inclosure Award dated 11 January 1868 with an extract from the relevant part of the map, showing that allotment numbers 176 and 349 containing 1a.3r.19p. and 2a.2r.8p. were allotted to the Surveyors of Highways of the township of Cannock Leacroft, Hednesford and Cannock Wood as public quarries for the supplying of stone and gravel for the repair of the public carriage roads or highways within the said townships, (3) a conveyance dated 10 December 1954 by which the National Coal Board conveyed to the Council land containing about 2a.2r.17p. which "formerly formed two allotments under the Cannock Inclosure Award and were numbered respectively 174 and 175 on the map or plan annexed to such Award" with a memorandum endorsed thereon of a conveyance dated 30 March 1971 by which the Council conveyed to the British Legion Housing Association Limited part ("the 1971 Conveyed Part") of the land comprised in the 1954 conveyance as coloured pink and hatched black on the plan annexed to such memorandum, and (5) a release dated 12 May 1971 and made by the National Coal Board for the benefit of the Council.

The land ("the Unit Land") comprised in this Register Unit contains according to the 1967 plan about $4\frac{1}{2}$ acres. Mrs Jones identified the west part with the allotment numbered 176 on the 1868 Award map and the east part with that comprised in the 1954 conveyance. Being concerned on this reference with ownership only, I need not consider how the Unit Land came to be within the definition of a town or village green in section 22 of the 1965 Act; the registration having become final, is now conclusive of the matters registered, see section 10; so I can disregard the circumstance that under the Award the west part was allotted as a quarry, and also disregard the circumstance that under the 1954



conveyance the Council took an absolute interest subject only to a covenant by them with the National Coal Board that the land should "at all times hereafter be used and maintained as a playing field and for no other purpose".

As to ownership of the east part, the Cannock Chase District Council as successors of Cannock Urban District Council are the successors of the Surveyors of the Highways mentioned in the 1868 Award. As to the ownership of the west part, Mrs Jones made it clear that the Council do not claim ownership of the 1971 Conveyed Part; as to the balance I consider the 1954 conveyance sufficient evidence of title. For those reasons I am satisfied that the Council are the owners of all the Unit Land except the 1971 Conveyed Part and I shall accordingly under section 8(2) of the Act of 1965 direct the Staffordshire County Council as registration authority to register the Cannock Chase District Council as the owner of all the land except the 1971 Conveyed Part being the area hatched black and marked "ABCD" on the plan appended to this decision, such plan being, apart from the lettering "ABCD", a copy of the plan annexed to the said memorandum in the said 1954 conveyance.

As regards ownership of the 1971 Conveyed Part, in the absence of any evidence as to the contents of the 1971 conveyance as to how the estate acquired under it by the British Legion Housing Association Limited has been dealt with, I am not satisfied that any person is the owner of this part of the Unit Land, and I shall accordingly direct the Staffordshire County Council as registration authority to register Cannock Chase Urban District Council as the owner of such part under section 8(3) of the Act of 1965. In deciding that I must give this direction, I have not overlooked Mrs Jones' statement that the Council do not claim and indeed do not wish, contrary to the conveyance they themselves made in 1971, to become the owners and indeed it may be that the 1971 Conveyed Part should no longer be on the Register, the National Coal Board having by the 1971 release released the Council from any liability under the covenant in the 1954 conveyance so far as it relates to it. However it seems to me that under section 8(3) I have no discretion and must give the direction.

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.

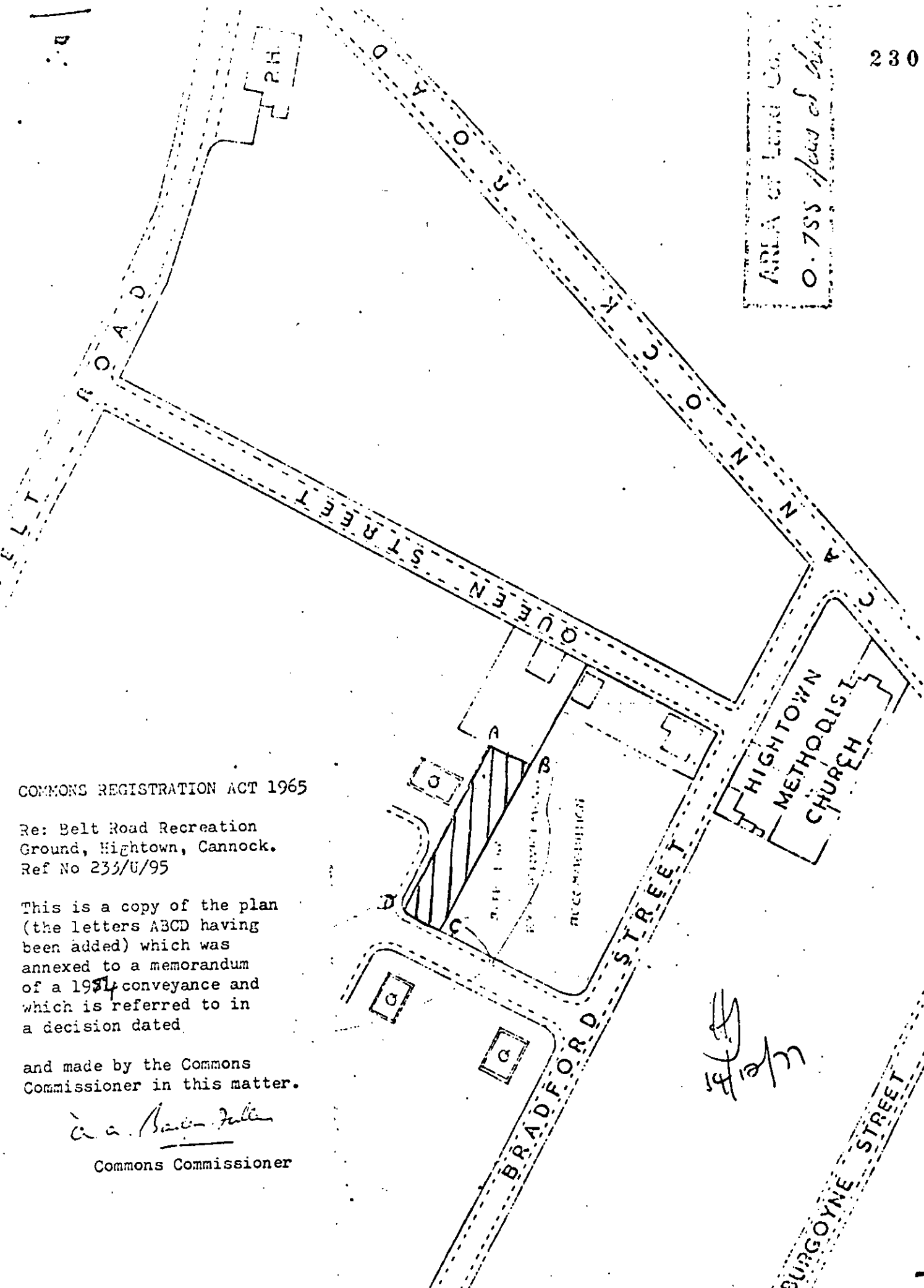
Turn over for appended plan.

Dated this 21st day of December 1977

A. A. Baden Fuller

Commons Commissioner

AREA OF LAND CONTAINING
0.755 Acre of Commons



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This is a copy of the plan (the letters ABCD having been added) which was annexed to a memorandum of a 1954 conveyance and which is referred to in a decision dated

and made by the Commons Commissioner in this matter.

A. A. Bacon-Fullen
Commons Commissioner