



COMMONS REGISTRATION ACT 1965

Reference No. 233/U/30

In the Matter of Cloud Common, Rushton,
Staffordshire Moorlands District, Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Cloud Common, Rushton, Staffordshire Moorlands District being the land comprised in the Land Section of Register Unit No. CL. 77 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 this reference Mr J W Bailey of Woodcommon Farm in a letter written in October 1975 said that the farm and common land were purchased in 1960, all being shown on the deeds as belonging to the farm and that the common land was fenced by him about 10 years ago. No other person claimed to be the freehold owner of the land in question or 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 Stafford on 12 February 1976. At the hearing Mr Bailey attended in person and Rushton Parish Council were represented by Mr H Harrison one of their members.

The land ("the Unit Land") comprised in this Register Unit is on the west side of a road called Cloud Side and contains about 21 acres. From the road the Unit Land slopes steeply upwards to the south end of the Cloud Ridge. The Unit Land is mostly heather, but there are some trees and scrub. On the other side of the road is Woodcommon Farm (formerly Cloud Side Farm) buildings and the lands farmed with them. The registration was made on the application of the Parish Council.

Mr Harrison said (in effect):- The Parish Council are now satisfied that the Unit Land (notwithstanding its name) is not common land. It is in two pieces, one of which is claimed by Mr Bailey. He understood that the other piece is owned by Mr Podmore as successor of Mr Frank Bailey (no relation of the Mr Bailey who attended the hearing).

The registration of the land as common land has become final, and I have no jurisdiction on this reference or on any other reference which could be made to a Commons Commissioner to cancel this registration.

Mr Bailey in the course of his evidence produced (1) a conveyance dated 16 February 1960 by Mrs M Lymer and Mrs B Birks to himself of Woodcommon Farm (about 52a.2r.36p.), (2) a conveyance dated 9 February 1912 to Mr A Lindop of the same Farm (then Cloud Side Farm), and (3) an abstract dated 1960 of the title of Mrs Lymer and Mrs Birks to Woodcommon Farm. Mr Bailey said (in effect):- He first went to Woodcommon Farm when he was 3 years old (he is 31 years old); he succeeded his father as tenant. The Unit



Land has always looked much as it does now; bilberry bushes, heather etc. Soon after he purchased the Farm in 1960, he put up a post and wire fence along the east side (the roadside) and the north side of the part of the Unit Land he had acquired under his conveyance. This fence (or most of it) is still there.

By the documents produced by Mr Bailey, the title to the part of the Unit Land so fenced by him is regularly deduced; in the schedule to, and on the plan on the 1912 conveyance the part is described as "pt of 520, Common: 2a 1r 34p". Of this part, I am satisfied that Mr Bailey is the owner, and I shall accordingly under section 2(2) of the 1965 Act direct Staffordshire County Council, as registration authority to register Mr Jesse William Bailey of Woodcommon Farm, Cloudside, near Congleton, Cheshire as the owner of the part of the Unit Land defined as follows:- the part containing about 2 acres 1 rood 3/4 perches being the part south of the line (approximately straight) of the post and wire fence, or of the posts (being apparently all that is now left of such fence) which starts not far from the middle point of the east (roadside) boundary of the Unit Land and which ends on the west boundary of the Unit Land.

In the absence of any evidence as to the ownership of the remaining part (the north part) of the Unit Land, I am not satisfied that any person is the owner of this part and it will therefore be subject to protection under section 9 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 16th day of March —

1976

A. A. Borden Fuller

Commons Commissioner