



COMMONS REGISTRATION ACT 1965

Reference Nos. 33/U/15
33/U/16
33/U/17
33/U/18

In the Matters of (1) Fulford Green,
(2) Walton Heath Common, Stone Rural
(3) Yarnfield Green, Swynnerton, and
(4) Saverley Green Common, Fulford
all in Stone R.D., Staffordshire

DECISION

These references relate to the question of the ownership of lands known as (1) Fulford Green, Fulford (2) Walton Heath Common, Stone Rural (parish), (3) Yarnfield Green, Swynnerton, and (4) Saverley Green Common, Fulford, all in Stone Rural District, being the lands comprised in the Land Section of Register Units (1) No.CL.32 (2) No.CL.33, (3) No.CL.34 and (4) No.CL.35 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 a hearing for the purpose of inquiring into the question of the ownership of the lands at Stafford on 22 May 1973. The hearing was attended by Stone Rural District Council who were represented by Mr. I. G. Gaskin their clerk. At his request I heard all these four references together.

Mr. Gaskin who has lived in Stone since 1923 (when he was 9 years old) and been clerk of the Council since 1939 in the course of his evidence produced a Scheme made by the Council on 4 January 1951 under the Commons Act 1899 for the regulation and management of eight commons including Fulford Green, Saverley Green, Walton Heath and Yarnfield Green. The Scheme was approved by the Minister of Agriculture and Fisheries on 20 April 1951. The Council made byelaws in pursuance of the Scheme.

Fulford Green (the smallest of these four Greens or Commons) is a piece of grass land in the centre of Fulford. Walton Heath (the largest) is a large piece of grass land, part of which is used for playing fields let to local football clubs. Yarnfield Green is grass land (two pieces separated by the road) in the centre of the Village; it is a well kept village green and an attractive feature of the Village: paragraph 6 of the Scheme expressly requires the Council to preserve the Maypole on Yarnfield Green and the Maypole is there now. Saverley Green is an attractive piece of scrub land with gorse and heather.

Mr. Gaskin said:- Ever since he had been clerk, the Council had looked after these four Greens or Commons, clearing the litter and keeping them tidy; the work done depended on the apparent need. Yarnfield Green which is in the middle of an expanding community, received most attention (the Council had spent a considerable sum of money draining it). The Council arranges for the cutting and mowing of Walton Heath. The Council kept Fulford Green tidy. The



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Council did not do anything extensive to Saverley Green because it was not necessary. He had never heard of any person (other than the Council) claiming ownership of, or any rights of common or other rights over, any of these four Greens or Commons. Before the Scheme was made inquiries were made as to ownership without any success; at that time they were being used as litter dumps. In consequence of application made from time to time as to access, further inquiries were made as to ownership but no claim was ever made. The Council have never delegated their powers of management under the 1899 Act to any parish council.

The evidence summarised above shows I think that the Council are in possession. There has been no adverse claim while Mr. Gaskin has been clerk and none has resulted from the advertisement of these proceedings; I infer that it is practically certain that the possession of the Council will never be disturbed. Possession in such circumstances is equivalent to ownership. For this reason I am satisfied that the Council is the owner, and I shall accordingly direct the Staffordshire County Council to register Stone Rural District Council as the owner of all these four 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 6th day of June 1973.

a. a. Baden Fuller

Commons Commissioner