



COMMONS REGISTRATION ACT 1965

Reference No. 233/U/76

In the Matter of The Gravel Hole,
Copmere, Eccleshall, Staffordshire

DECISION

This reference relates to the question of the ownership of land known as the Gravel Hole, Copmere being the land comprised in the Land Section of Register Unit No. CL 108 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 Staffordshire County Council claimed to be the freehold owner of the land in question and Mr J D Hogan (on whose application the registration was made) 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 Hanley, Stoke on Trent on 11 January 1979.

At the hearing the County Council was represented by Mr C C Davis, Solicitor, and Mr Hogan appeared in person. From the evidence given by Mr G W Moore, employed by the County Council as Area Surveyor, it appeared that the Gravel Pit, which adjoins the highway, was originally quarried by the Parish for road materials. Under the Local Government Act 1929 the function of maintaining the highways passed to the County Council. In the 1930's the land was fenced and a gate to control access placed on the land by the County Council: during the 1950's the County Council kept the fencing in repair and complied with requests from the District Council to keep the site tidy. In 1962 the County Council filled in the pit and hardened off the top so that it was possible to drive lorries on to it: the old fencing between the land and the highway was taken down and a new fence line set several feet further back so as to improve visibility and road safety. Since then the County Council have used the land for the storage of road materials. In cross-examination Mr Moore said that the fence erected before the war was partly to keep gipsies off and partly to prevent tipping of rubbish into the pit.

Mr Hogan gave evidence: he had known the plot of land for some sixty years and there was no taking of gravel or other materials from it before the war. In the late 1940's the fence then existing rotted and fell and in the 1950's the land was used as a tip by the local people and council. In the late 1950's a fence was erected by the local authority with a padlocked gate: he requested the County Council to remove the lock as he wished to obtain manl. The lock was removed when he threatened to break it and has not been replaced. In cross-examination he denied that originally the sole or main purpose of the pit was to provide materials for roads as smallholders around used to get manl from it.

On this evidence I was not persuaded that the County Council had established ownership of the land and I am not satisfied that any person is the owner of the land. It will therefore remain 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 29th day of January 1979

L. J. Morris Smith
Commons Commissioner