



In the Matter of The Green, Ashley
Staffordshire

DECISION

This reference relates to the question of the ownership of the land known as The Green, Ashley being the land comprised in the Land Section of Register Unit No. VG 30 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 Ashley Parish Council and Staffordshire County Council claimed to be the freehold owner of the land in question and no other 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 Hanley, Stoke on Trent on 12 January 1979.

At the hearing the County Council was represented by Mr C C Davis, Solicitor: there was no appearance by Ashley Parish Council or any other person. Evidence was given on behalf of the County Council by Mr G W Moore, Area Surveyor in its employ since 1959. The County Council has to his knowledge since that date maintained the Green as part of the highway. It is a triangular piece of land and each of the three sides consists of a metalled road, which is part of the highway. There is a bus stop on it with a hard standing. The grass has been cut by the County Council, kerbs have been put down and points rounded, the level of the circumference raised by several inches and the surface of the green levelled. A way leave has been granted by the County Council. The Witness knew of no maintenance work being done by any other person, nor of any user of the green by local residents.

I concluded that the County Council had sufficiently established a possessory title to the land and am satisfied that it is the owner.

I shall accordingly direct the Staffordshire County Council, as registration authority, to register itself as the owner of the land 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

15th

day of

February

1979

L. J. Morris Smith

Commons Commissioner