



COMMONS REGISTRATION ACT 1965

Reference No. 233/U/116

In the Matter of the Village Green Lower Penn

DECISION

This reference relates to the question of the ownership of land known as the Village Green Lower Penn being the land comprised in the Land Section of Register Unit No. VG.13 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 Lower Penn Parish 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 Stafford on 13th January 1988.

Lower Penn Parish Council was represented by Mr G.E. Icke (Chairman) and Mr F.A. Barker (Councillor). The hearing was also attended by Mr B Craddock (Open Spaces Society).

The land was registered on the 30th November 1967 upon the application of Seisdon Rural District Council. There are no rights registered and no entries in the ownership section of the register. It was finally registered as a Village Green after a hearing before Mr Commissioner Hesketh on 15th October 1980. The dispute at that time was whether the whole area formed part of the highway.

Mr Icke, who is now in his middle seventies, said that he was born in the Village. As long as he could remember functions had been held on the Green. Years ago trees were planted on it, but they did not grow, because of the rock underneath.

He said that in 1967 the Parish Council had put a rockery in the centre. He produced correspondence in September and October 1967 between himself or the Parish Council on the one hand and J. E. Spragg (Landscape Gardener) Ltd. on the other hand relating to carrying out work on the green at a cost of £57.10.0. This consisted of building a 15 inch wall and laying out part with Yorkstone and building pockets for planting shrubs in accordance with a drawing submitted by the landscape gardening firm. This drawing was produced to me and shows a very attractive layout of the green.

The landscaping work was carried out and the cost was duly paid by the Parish Council. The layout remains much the same to this day. The seat shown on the drawing was provided by the Round Table. Roses and shrubs were planted and these are looked after by the Horticultural Society. The turf lawn is cut about once a fortnight by the District Council.



Mr Icke submitted that the Parish Council had been caring for the green for many years. No-one present at the hearing disputed this, and no-one opposed the Parish Council's claim.

On this evidence I was satisfied that the Parish Council is the owner of the land. Even if I had not been so satisfied, it seems to me that, no other claimant having come forward, this is a case where the Parish Council should be registered as owner of the land under sections 8(3) and 8(5) (c) of the Act of 1965.

I shall accordingly direct Staffordshire County Council as registration authority to register Lower Penn Parish Council as the owner of the land under Section 8 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

21st

day of

January

1988

Mati Pate. c

Commons Commissioner