



In the Matter of Four Pieces of land at the Junctions of Vicarage Lane, Birmingham Road, and St.Martin's Road, and Land on the West Side of and at the Bottom of Stoneleigh Hill between the Carriageway and the River, Stoneleigh, Warwickshire

DECISION

This reference relates to the question of the ownership of four pieces of land at the junction of Vicarage Lane, Birmingham Road, and St.Martin's Road, and land on the West side and at the bottom of Stoneleigh Hill between the carriageway and the River, Stoneleigh, being the land comprised in the Land Section of Register Unit No. VG.146 in the Register of Town or Village Greens maintained by the Warwickshire 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 the Stoneleigh and Ashow 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 Leamington Spa on 8 December 1982. At the hearing, the Parish Council was represented by Mr H L Clarke, its Clerk.

The land comprised in the Register Unit includes two triangular areas at road junctions. The more easterly of these two areas was conveyed to the Parish Council by a Conveyance made 21 May 1958 between (1) Rupert William Dudley, Baron Leigh (2) The Parish Council of Stoneleigh. The name of the parish has since been changed to Stoneleigh and Ashow.

Mr Clarke informed me that the executors of the late Lord Leigh might be the owners of some or all of the remainder of the land. This suggestion was pursued with the following result.

The more westerly of the triangular areas referred to above was formerly the site of a Smithy, part of O S No. 124, was vested in Rupert William Dudley, fourth Baron Leigh by an assent made 1 April 1936 by Charles Aiken Lawford and Lord Leigh as personal representatives of Francis Dudley, third Baron Leigh. The fourth Baron died on 24 June 1979, and probate of his will was granted to John Piers, fifth Baron Leigh, Ernest John Prestwich Elliott, and Jonathan Bower Farnsworth on 10 September 1979.

The land on the West side and at the bottom of Stoneleigh Hill between the Carriageway and the River was vested in the fourth Baron Leigh by a vesting assent made 1 April 1939 by C A Lawford and the fourth Baron as Personal representatives of the third Baron. This land was the subject of a conveyance made 25 March 1965 between (1) R W D., Baron Leigh (2) George Ingram Barty-King and J B Farnsworth. By an appointment made 1 February 1967 Col. Edward Roderick Hill was appointed a trustee with Mr Barty-King and Mr Farnsworth and by an appointment made 1 July 1974 Mr Elliott was appointed a trustee in place of Col. Hill. Finally, Mr Barty-King was discharged from the trusts of the conveyance of 25 March 1965 by a deed made 30 March 1979.



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On this evidence I am satisfied that the Parish Council and Mr Elliott and Mr Farnsworth are the owners of part of the land, and I shall accordingly direct the Warwickshire County Council as registration authority, to register them as the owners of those parts under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the two remaining pieces of land comprised in the Register Unit, and I shall accordingly direct the County Council to register the Parish Council as the owner of those two pieces of land under section 8 (5) 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

27th

day of

July

1983

Chief Commons Commissioner