



In the Matter of The Greens, Brinklow, Warwickshire

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SUPPLEMENTAL DECISION

This reference relates to the question of the ownership of land known as The Greens, Brinklow, being the land comprised in the Land Section of Register Unit No. VG 122 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 Mr M R Cox, Mr J A Kelly, Mr S G Abbott, and Mr E Lindon each claimed to be the freehold owners of ~~the~~ parts 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 Rugby on 11 November 1982.

At the hearing Mr Kelly and Mr Abbott appeared in person, and I gave leave for Mr Cox to be represented by his wife. There was no appearance by or on behalf of Mr Lindon.

I considered evidence on behalf of Mr Kelly, Mr and Mrs Abbott and Mr Cox, which satisfied me that Mr Cox, Mr Kelly, and Mr and Mrs Abbott were the owners of the parts of the land in front of their respective houses, but in the absence of any further evidence I was not satisfied that any person was the owner of the remainder of the land, and I accordingly decided to direct the Warwickshire County Council to register the Brinklow Parish Council as the owner of such remainder under section 8(3) of the Act of 1965.

After my decision dated 18 November 1982 was published, Solicitors acting on behalf of Mr Lindon and his wife wrote to ask for the matter to be reconsidered, stating that Mr Lindon had been approached by a representative of the Parish Council, who had said that the Parish Council did not wish to claim the ownership of the land claimed by Mr Lindon. This was followed by a letter dated 20 June 1983 from the Clerk of the Parish Council to the Clerk of the Commons Commissioners, which contained the following paragraph:-

"The Parish Council understand that Mr Lindon now wishes to claim this land (ie. the land in front of his property) and I have been instructed to inform you that as the land concerned is only a small part of the land fronting Cromwell Cottages, the remainder of which has been claimed by Mr Cox, Mr Kelly and Mr and Mrs Abbott, the Parish Council are willing to relinquish their rights to it to enable Mr Lindon to be registered as owner in the same way as the aforementioned people".

Following the receipt of the letter from the Parish Council I decided to deal with the matter on affidavit evidence.

The cottage now known as 42 Broad Street was conveyed to Mr Lindon and his wife on 3 December 1960 by Mr John William Walker as personal representative of Mr John



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Frederick Walker, and the cottage now known as 44 Broad Street was conveyed to Mr and Mrs Lindon on 18 May 1969 by Mr Ronald Herbert Richards. In both cases title was derived from a conveyance made 7 December 1903 referred to in my decision relating to Mr and Mrs Abbotts property.

In my view, there is no material distinction between the part of the land the subject of the reference in front of the property of Mr and Mrs Lindon and the parts of the land in front of the properties of Mr Cox, Mr Kelly, and Mr and Mrs Abbott, and I am therefore satisfied that Mr and Mrs Lindon are the owners of that part of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register them as the owners of that part 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

2nd

day of

March

1984

Chief Commons Commissioner