



COMMONS REGISTRATION ACT 1965

Reference No. 208/U/48

In the Matter of Fere Mere and Frost Mere,  
Monyash, West Derbyshire D

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DECISION

This reference relates to the question of the ownership of land known as Fere Mere and Frost Mere, Monyash, West Derbyshire D being the land comprised in the Land Section of Register Unit No. CL 48 in the Register of Common Land maintained by the Derbyshire 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 J Millington claimed to be the freehold owner of Frost Mere part 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 Matlock on 14 November 1979.

Mr Millington produced his title deeds to his property which adjoins Frost Mere on the east. This property was acquired by a Miss Bagshaw in 1947, and what she acquired was the house garden and outbuildings comprising 0.075 of an acre and two adjoining plots, one of which was OS 411 comprising 0.8 of an acre. The parcels in the conveyances of this property are all identical including the conveyances in 1959 to Mr Millingtons grandfather, who died in 1968 and devised it to Mr Millington. On any view of the matter all that Miss Bagshaw acquired and all that her successors could acquire, was the house garden and outbuildings comprising 0.075 of an acre. Inspection of the Register Map reveals that if OS 411 is 0.813 of an acre then the house garden and outbuilding if they are no more than 0.07 of an acre cannot comprise Frost Mere. Mr Millington based his claim on the circumstance that in his deed, the house is described as adjoining or abutting on the road. Frost Mere lies between his house and the road, it is unenclosed and it may be that the first draftsman who used this language thought it was part of the highway. Mr Millington told me that since shortly before his grandfathers death in 1947, he has maintained Frost Mere. He has mown it every two or three weeks when necessary, he dug some flower beds and planted flowers but he filled them in when he found that the farmers cows trampled his flowers. He did not complain to the farmer or fence the land and in my view his activities did not amount to any assertion of ownership.

For these reasons Mr Millington failed to satisfy me that he has a title to Frost Mere. There was no other claim to ownership of Frost Mere and no claim to ownership of Fere Mere, notwithstanding that Mr Millingtons documents revealed that many years ago it was conveyed to a Local Authority. In these circumstances the Unit Land will 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

26<sup>th</sup>

day of November

1979

*E. A. Little*

Commons Commissioner