



In the Matter of pieces of land,
Tideswell.

DECISION

This reference relates to the question of the ownership of the part of the land comprised in the Land Section of Register Unit No. CL 62 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 claims to ownership of the land in question were made by Mr Walter Shirt and Tideswell Parish Council respectively 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 7 May 1980.

At the hearing Mr M Brooke Taylor of the firm of Bennet, Brooke Taylor and Wright, Solicitors appeared on behalf of Mr Shirt, and the Parish Council was represented by its Chairman, Mr E W Simpson.

The Register Unit comprises thirteen separate pieces of land in Tideswell of which the Parish Council is registered as owner excepting one piece, numbered 11 in the Register. This piece is described in the Register as the watering place at the junction of Water Lane and Manchester Road together with the bed of the stream only from Brook Head to Highfield House and is the part ("the unclaimed area") the ownership of which is the subject of this inquiry.

Mr Brooke Taylor produced a Conveyance dated 26 October 1965 to Mr Shirt of land at Holmelacey Farm. This land included the stream from Brooke Head to a point a short distance north of Highfield House and the Watering Place, excepting a short stretch flowing through an area of land where there is a reservoir marked on the register map. As to the bed of the stream to the extent that it is included in the Conveyance I am satisfied that Mr Shirt is the owner.

There is a tongue of land at the junction of Water Lane and Manchester Road where the watering place is situated, opposite Highfield House.

Mr Shirt has watered his cattle at the watering place for over 40 years, the cattle coming across the road to drink and grazing on the tongue of land on their way to and from his fields: this user has been open and he has not paid rent: others take water and pass over the tongue of land and he has never stopped them.

Mr Simpson who has been a member of the Parish Council for 15 years said that it was always believed that the Parish Council owned the watering place. It is used by farmers to water their cattle and by lorry drivers. There is a bridge over the stream which the Council did maintain though it is now in disrepair.



On this evidence I am not satisfied that Mr Shirt or the Parish Council is the owner of the watering place. In the result I shall direct the Derbyshire County Council, as registration authority, to register Mr Shirt under section 8(2) of the Act of 1965 as the owner of the part of the unclaimed area which is comprised in the conveyance and the remainder of the unclaimed area 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

25 June

1980

L. J. Morris Smith

Commons Commissioner