



In the Matter of land by the side of or near
Buckstones Road, Crompton, Oldham Metropolitan
Borough, Greater Manchester

DECISION

This reference relates to the question of the ownership of land containing about 6.968 hectares (17.21 acres) by the side of or near Buckstones Road, Crompton, Oldham Metropolitan Borough (formerly Crompton Urban District) being the land comprised in the Land Section of Register Unit No. CL.268 in the Register of Common Land maintained by the Greater Manchester (formerly Lanchashire) 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 Mrs N.E. Loftus of 423 Buckstones Road, and her solicitors wrote that there was a well on the land which supplied her house, and she asked various questions about the legal position; and Oldham Metropolitan Borough Council wrote saying that the County Council in consultation with them were planning to reclaim unclaimed common land (the north part of that comprised in this Register Unit) which included an unmade road used in the past to give access to Brushes Clough Quarry, with a view to Public Open Space - Recreational after use. No person claimed to be the freehold owner of the land in question on this reference and no 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 Salford on 10 December 1975. At the hearing Mrs Loftus was represented by Mr J Edmondson solicitor with Mellor & Jackson Solicitors of Oldham, and Greater Manchester County Council as registration authority were represented by Mr M Brogden solicitor and Mr J.P. Johnson articled clerk in the County Secretary's Department.

The registration was made on the application of Crompton Urban District Council. Mr Brogden said that in the application the land was described as follows:-
"(1) Crompton Moor, (2) Doghill Wastes, (3) Doghill Sides, (4) The Green, (5) Street Waste, (6) Whams Waste, (7) Hollows Waste, (8) Shore Edge Waste, (9) Northeast Boundary of Crompton U.D. - overlooking main Oldham-Ripponden-Halifax Road, (10) Easterly side of Buckstones Road, Crompton, opposite Doghill Sides, (11) Westerly side of Buckstones Road, adjacent to the junction of that road with Grains Road, (12) Easterly side of Buckstones Road - adjacent to Top O' th' Scar, (13) Easterly side of Buckstones Road - adjacent to the Green, (14) Westerly side of Buckstones Road - near to Black Clough and opposite to the Green and Street Waste, (15) Easterly side of Buckstones Road near to Hollows, (16) Easterly side of Buckstones Road adjoining Weeder Square and Crofts".

Mr Edmondson said that Mrs Loftus does not claim ownership, but desired to record that for 17 years she and her predecessors in title of 423 Buckstones Road had derived their water supply from a well on the common land, that the well itself had been sunk into the land for at least 20 years, and up until 1968 the cottage No. 423 had the exclusive use of the well and of the pipes leading to it.



At this hearing held under section 8 of the 1965 Act, I am concerned only with the ownership of the land, and have no jurisdiction to give any decision as to rights such as that claimed by Mrs Loftus. However it may be that her claim may be noted in the Register under the Commons Registration (General) Regulations 1966; regulation 24 which deals with private rights and interests, makes provision for the noting of claims to (among other rights) "easements".

In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be 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 18th day of *December* 1975

a. a. *Baron Jellie*

Commons Commissioner