



COMMONS REGISTRATION ACT 1965

Reference No.42/U/69

In the Matter of Cutnall Green Recreation Ground
Elmley Lovett Wychavon D.

DECISION

This reference relates to the question of the ownership of land known as Cutnall Green Recreation Ground, Elmley Lovett, Wychavon D. being the land comprised in the Land Section of Register Unit No.VG.48 in the Register of Town or Village Greens maintained by the former Worcestershire 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 Elmley Lovett 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 Worcester on 28th January 1975.

James Robert Lees, Clerk to Elmley Lovett Parish Council appeared and produced a statutory declaration by Samuel Eric Harper, Chairman of the Parish Council which established that the Parish Council has been in possession of the land and received the profits therefrom for upwards of thirty eight years and that in 1964 the Worcestershire County Council had purchased and accepted the possessory title of the Parish Council to adjoining land.

On this evidence I am satisfied that Elmley Lovett Parish Council is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Elmley Lovett Parish Council as the owner 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 5th day of February 1975

C. A. Sellick
Commons Commissioner