



COMMONS REGISTRATION ACT 1965

Reference No 21/U/55

In the Matter of The Pinfold and the site  
of the Old Village Pump, Blaby Parish,  
Blaby District, Leicestershire

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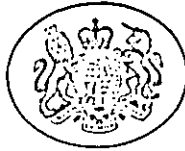
DECISION

This reference relates to the question of the ownership of land known as the Pinfold and as the site of the Old Village Pump (two pieces a little more than 100 yards apart on the west side of Sycamore Street), Blaby Parish, Blaby District being the land comprised in the Land Section of Register Unit No CL. 9 in the Register of Common Land maintained by the Leicestershire 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 no person claimed to be the freehold owner of the land in question 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 Leicester on 20 July 1976. At the hearing Blaby Parish Council were represented by Mr Cecil H Ward their clerk.

Mr Ward, who was born in the Parish in 1905, has lived there ever since, and has been clerk of the Parish Council for 39 years, in the course of his evidence produced the Minute Book of the Parish Council meetings from 31 December 1894 to 19 April 1904 and pointed out to me the references in it to the Town Pump and to the Pinfold. The Pump was mentioned at meetings in February and March 1898, April and May 1899, March, April and June 1900, June and July 1901 and July 1903. In 1898 the Council apparently considered it their duty (the Rural District Council said that it was) to provide a public water supply of good water, failing which the well would have to be closed, and apparently proceeded on the basis that the cost or part of the cost could be recovered from the Rector in accordance with the provisions of a charity founded in 1761 by Rev Edward Stoker, the then Rector, under which income from Knights Close was applicable for ringing bells, and the income from Hinton Close was applicable for the repair of the Pump. Entries as regards the later meetings, are all concerned with the recovery of the money under the Charity. However I infer from the entries in 1898 and 1899 that the Pump was repaired so that it could provide a supply of good water. The Pinfold was mentioned at nearly every meeting in 1895, the resolution about it passed at the first meeting being: "That whereas the Parish Pound or Pinfold stands in a very open position, which makes it very dangerous for conveyances passing that way on dark nights, and the use of the same for the purposes for which it was erected has long been discontinued, the Parish Council do now take such steps as may be necessary for the removal of the same, and the site thereof added to the public highway." I infer from the later entries in this year that this was done.



As regards the part of the land comprised in this Register Unit which is the site of the Pump (a small approximately triangular piece about 20 to 25 yards across, and which is situated at the junction of Sycamore Street and Leicester Road, Mr Ward said (in effect):- At present the land is used for parking cars. In 1918 (as he first remembered it) it looked much as now, except that there was then an old lead pump on it which supplied the nearby cottages with water. When the Village acquired an adequate piped water supply, the pump ceased to be used. In 1946 it was got rid of, because of vandalism, and the well-top sealed (the well is still there although not visible). During the 1939-45 war, the well was used as an emergency fire water supply.

As regards the part of the land known as the Pinfold (a piece with four sides each about 20 to 25 yards long) with a dwelling house (number 71) and garage on its south side, two dwelling houses (number 61 and The Pinfold) on its north side and three garages and an entrance way (large double doors) leading to a factory on its north side, Mr Ward said (in effect):- In 1918 it looked much as it does now, open to the road, not used or usable for any purpose, except people go over it; it is rough ground with hardcore, tarred in places. Old people call it "The Pound".

Before the hearing about this land, I had a hearing about the land known as The Green situated a short distance away, being Register Unit No CL. 7, file reference 21/U/54. In a decision of even date relating to The Green I have set out the legal principles which are I think applicable to a case such as this, and I need not set them out again in this decision. The evidence summarised above falls short I think of showing that the Parish Council have ever been in possession of or reputed to be owners of either piece of land. I inspected both pieces on the day after the hearing. If the Parish Council had preserved the Pinfold (as many Councils have done) I might have concluded that they were in possession or reputed to be owners, but I cannot I think reach any such conclusion merely because in 1896 they demolished whatever was then left of the old Pinfold; indeed having regard to the present appearance of this piece, I am not clear how big the old Pinfold was or where it was situated; if it covered the whole of the piece as now registered, it must have been larger than any I have ever yet seen and considerably interfered with the convenience of the occupiers of the surrounding buildings. As regards the other piece, again I have no evidence that the Parish Council are now in possession or are reputed owners; the circumstance that they repaired it in 1898 and finally removed it and capped the well in 1946, seems to me to fall short of establishing ownership of the surrounding open land.

For the above reasons I am not satisfied that the Parish Council are the owners of the land, and in the absence of any evidence that any other person is the owner, I am not satisfied that any person is the owner, and it will therefore 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 4<sup>th</sup> day of August \_\_\_\_\_ 1976

*a. a. Baker*