



In the Matter of Green Lane leading from Deepdale Lane to Rookery Lane, Nettleham, Lincolnshire.

DECISION

This reference relates to the question of the ownership of land known as Green Lane leading from Deepdale Lane to Rookery Lane, Nettleham being the land comprised in the Land Section of Register Unit No. CL 81(L) in the Register of Common Land maintained by the Lincolnshire 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 one 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 Lincoln on 7 July 1981.

At the hearing the Nettleham Parish Council was represented by Mr D Dubut, its Clerk.

The land comprised in the Register Unit was set out as a private carriage and driftway under the Inclosure Award made in 1773 under the Nettleham Inclosure Act of 1776 (16 Geo III c.53 (private)). The soil was not, however, allotted to anybody, so it remained with the previous owner, probably the lord of the Manor.

The Parish Council has laid stones and bricks in the land and has also erected a fence at one end leaving a space for pedestrians, but preventing the passage of tractors. The Council has also erected notices prohibiting the dumping of rubbish in the lane. These are acts to which an owner of the soil could have been expected to object and amounted to taking possession of the land. This adverse possession has continued for long enough for the Parish Council to have acquired a possessory title to the land.

I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the Nettleham 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

25th

day of

July

1981

Chief Commons Commissioner