

COMMONS REGISTRATION ACT 1965

Reference No 22/5/90

In the Matter of South Street Village Green,  
Crowland, Lincolnshire (No.1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of register unit no. W0.13 in the Register of Town or Village Greens maintained by the former Holland County Council and is occasioned by the conflicting registration at Entry No. 2 in the same section of the register unit.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 19 April 1978. The hearing was attended by Dr D G Teall, the applicant for the registration, and Mr P G Hughes, of Counsel, on behalf of the Crowland Parish Council, the applicant for the conflicting registration.

The land comprised in the Register Unit is an island site in South Street, Crowland. It is for the most part covered with grass and has the appearance of a piece of waste land. That appearance is, however, deceptive for it is shown on the 25" to 1 mile Ordnance Survey Map of 1904 as having houses on it. After the houses were pulled down, their curtilages continued to be used for some time as private gardens. For at least the last 35 years it has looked as it looks now. During that time the Parish Council has kept it tidy, and about seven or eight years ago the Council levelled the surface water drains on it. There is no evidence as to how the land got into its present state, but I draw the inference that the necessary work was done by the Parish Council.

Dr Teall applied for the registration in the belief that this was waste land on the manor and vested in him as Lord of the Manor. The facts disclosed at the hearing make it quite clear that this belief was mistaken. The situation of the land makes it seem likely that it was at some distant period the property of the Lord of the Manor and it may also have been waste, but if so, it ceased to be waste land of the manor when the houses were built.

In my view, the Parish Council has acquired a title to this land by adverse possession. For these reasons I refuse to confirm the registration.

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.

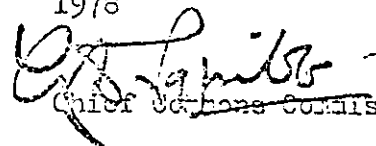
DATED THIS

5<sup>th</sup>

DAY OF

July

1978

  
Chief Commons Commissioner