



COMMONS REGISTRATION ACT 1965

Reference No 233/U/84

In the Matter of Brook End Green,
Longdon, Lichfield District,
Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Brook End Green, Longdon, Lichfield District being the land comprised in the Land Section of Register Unit No VG. 9 in the Register of Town or Village Greens maintained by the Staffordshire 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 Lichfield on 13 December 1977. At the hearing Longdon Parish Council were represented by Mr L A Heydon their clerk.

Mr Heydon who has lived in the Parish for about 20 years and been clerk of the Parish Council for 17 years, in the course of his evidence produced a conveyance dated 16 February 1973 by which Alfred Walker & Son Limited ("the Company") conveyed to Longdon Parish Council the land "edged red on the plan annexed hereto forming part of the Company's Cottage Garden Estate". He said (in effect):- The land ("the Unit Land") comprised in this Register Unit was when he first knew it part of a much larger area on which there was a Cottage (still there), and which (area) was for the most part used as a garden for the Cottage, then owned and occupied by Mr P F C Drabble (the 1973 conveyance mentions a conveyance dated 28 October 1954 to him). Mr Drabble sold the area for development to Mr W Vaughan (the 1973 conveyance mentions a conveyance dated 2 August 1963 to him by Mr Drabble). Later the area was sold to the Company (the 1973 conveyance mentions a conveyance and assent dated 23 December 1964 and 11 August 1967 to the Company). The Parish Council at the request of Lichfield Rural District Council, agreed to become the owners of the Unit Land, it being a feature of the development that an open space should be left in the middle; accordingly they applied for its registration as a village green (application dated 10 October 1967), and the 1973 conveyance followed (the land edged red on the plan being the same as the Unit Land). Before the development, the Unit Land was never used publicly; now the rest of the area surrounding it has been fully developed as a housing estate (the plan on the draft 1973 conveyance shows 68 plots), and the Unit Land is grass land with some trees open to the public. The Parish Council maintain it by mowing it, about 8 times a year.



Although it might perhaps at one time been questioned whether the Unit Land comes within the definition of a "town or village green" in section 22 of the 1965 Act, the registration, having become final, is now conclusive evidence that it is such, see section 10. Notwithstanding the absence of any detailed information as to the Company's title to the Unit Land, I conclude from the way they have dealt with the surrounding land as described by Mr Heydon, that they were the owners when the 1973 conveyance was made. In the circumstances, I am satisfied that the Parish Council are as successors in title of the Company under the 1973 conveyance, the owners of the Unit Land, and I shall accordingly direct Staffordshire County Council as registration authority to register London Parish Council as the owners 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 19th day of December — 1977

a. a. Baden Fuller

Commons Commissioner