



COMMONS REGISTRATION ACT 1965

Reference No 233/U/86

In the Matter of Burntwood Park,
Cannock Road, Burntwood, Lichfield
District, Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Burntwood Park, Cannock Road, Burntwood, Lichfield District being the land comprised in the Land Section of Register Unit No VG. 23 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 Burntwood Town Council were represented by Mr W Morrison their Recreation Manager.

Mr Morrison in the course of his evidence produced the Burntwood Inclosure Award dated 10 October 1861 by which there was allotted "unto John Tudor who has consented to receive the same as part of his allotment All that piece... of land numbered 129 on the said Map containing four acres or thereabouts to be held by him his heirs and assigns subject to the obligation of preserving the surface thereof in good condition and of permitting such land to be at all times used as a place for exercise and recreation for the inhabitants of the said Township and neighbourhood".

Mr Morrison who has lived in the Parish all the 8 years during which he has been Recreation Manager, said (in effect):- The land numbered 129 on the Award map is the same as the land now registered, except it now has a public footpath across it, marked on the Register map. The Parish Council (it became a Town Council in 1974) has been in possession, at least 1963. About this time it leased a portion of the land to the Burntwood Scout Group to be a headquarters. It is laid out as a formal garden with a children's play area and a caretaker's bungalow (which includes toilets for people using the Park); this bungalow was built about 1965.

In the particular circumstances of this case, it may not matter much whether the Council has established a possessory title against the successors in title of John Tudor, because if I am not satisfied as to their ownership, and there being no evidence that any other person is the owner, I am by subsection (3) of section 8 of the 1965 Act required to direct the registration of the Council as owners. The acts of the Council as described by Mr Morrison go beyond anything



authorised by the 1861 Award to be done by or on behalf of the inhabitants, and can I think be properly regarded as acts of possession adverse to the successors in title of Mr J Tudor mentioned in the Award. I conclude therefore that it is practically certain that the present possession of the Council will never be disturbed. Such possession is equivalent to ownership, and I am therefore satisfied that they are the owners of the land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Burntwood Town 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 26th day of December —

1977

a. a. Baskin Jiles

Commons Commissioner