



COMMONS REGISTRATION ACT 1965

Reference No. 33/U/22

In the Matter of Kingswood Common, Codsall,  
South Staffordshire District, Staffordshire

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DECISION

This reference relates to the question of the ownership of land known as Kingswood Common, Codsall, South Staffordshire District being the land comprised in the Land Section of Register Unit No. CL. 46 in the Register of Common Land 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 Stafford on 10 February 1976. At the hearing (1) South Staffordshire District Council were represented by Mr A Roebuck their clerk and chief executive, and Mr J Jose their second deputy clerk; (2) Staffordshire County Council were represented by Mr B Orgill; and (3) Mr J J Brew, on whose application rights attached to Karenza (formerly Rose Cottage) of estovers and turbarry were registered at Entry No. 1 in the Rights Section, attended in person.

Mr Jose in the course of his evidence produced: (1) the Scheme made on 27 April 1961 by Seisdon Rural District Council (approved 24 July 1961 by the Minister of Agriculture, Fisheries and Food) under the Commons Act 1899 for the regulation of Kingswood Common and three other pieces of land; and (2) a copy of the Byelaws made on 25 October 1962 by the Council under the Scheme.

The land ("the Unit Land") comprised in this Register Unit is in two pieces: one northwest of the Albrighton Road (A41) containing (according to the OS map, if there be included in it an unregistered strip between this piece and the made up part of the A41 Road) 8.32 acres; and the other southeast of the said Road (if there be included a rather smaller strip between this piece and the made up part of the A41 Road) 11.32 acres. There was some discussion (the maps available at the hearing not being very clear) whether St John's Church and the buildings and lands inclosed with it, containing (according to the OS map) 0.20 of an acre are included in the Unit Land; Mr Orgill produced the original Register map, which clearly showed that this inclosure is not included in the Unit Land.

Mr Jose who has been concerned with the Unit Land since 1970, said (in effect):- He understood that the owners of the surrounding lands traced their title through the late Lord Wrottesley, and he accordingly assumed that the Unit Land had at one time been owned by him. The Unit Land is open to the A41 Road; its west (shortest) side adjoins the County boundary (between Staffordshire and Salop). The north piece is wooded, but the south piece is open grassland. The Unit Land



is about 6 miles from Wolverhampton, and is much used in the summer by the public for picnics and informal games, many of whom must come from Wolverhampton. The Unit Land has since the 1961 Scheme was made until 1974 been managed by the Seisdon Rural District Council, and subsequently by the South Staffordshire Council as their successors, who have expended money on it by providing water supply for the use of picnickers (later discontinued to discourage gypsies), by paying for rabbit clearance, by clearing and levelling the southern of the two strips above mentioned for use as a car park by persons visiting the Common, by cutting trenches between the roads and the Common to prevent gypsies camping on it and by placing boulders in suitable places to prevent the public parking their cars on it.

Mr Brew, who has lived in Kingswood since 1923 (he is now 56 years old) and moved in 1927 to Karenza (near the east end of the Unit Land) in the course of his evidence said (in effect):- He understood from his father that he had in the 1930's during the "campaign" to stop camping on the Common written to the late Lord Wrottesley to gain his support and that he had in his reply said that he did not own the Common but only held the mineral rights. Up to his death the surrounding land much of which was owned by him was managed by a local agent on his behalf. After his death, the estate was sold up and divided and the present Lord Wrottesley who he believed lived in South Africa had not taken any interest in the Unit Land. He (Mr Brew) as a boy attended the school by the Church; the quarries shown on the map were then disused (he understood that the Church and the school had been built from stone got from them); however there are many indications on the Unit Land that much stone and sand have been extracted from it, but such extraction was not recent (in his time).

I conclude from the evidence summarised above that the two Councils have been successively in possession of the Unit Land and that it is practically certain that the present possession of the District Council will not be disturbed. Possession in such circumstances is equivalent to ownership, and for this reason I am satisfied that the Council is the owner of the Unit Land, and I shall accordingly direct Staffordshire County Council, as registration authority, to register South Staffordshire District 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 31st day of March —

1976

*A. A. Boden Fuller*

Commons Commissioner