

COMMONS REGISTRATION ACT 1965

Reference No. 233/R/10

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of land at Moorside Nurseries, Eaves Lane, part of Wetley Moor Common

DECISION

This reference relates to an objection under the Common Land (Rectification of Registers) Act 1989 to the registration of part of the land registered in Entry No. 25 in the Land Section of Register Unit No. CL.25 in the Register of Common Land maintained by the Staffordshire County Council.

It is occasioned by Objection No. 10 made by Roy Ernest Green and referred to a Commons Commissioner on 28 July 1992.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 17 August 1992 I caused notice to be given under regulation 8(1) that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The Objector's case was that on 5 August 1945 the land to which the objection relates (the "objection land") had on it two semidetached dwellinghouses and that the remainder of the land was garden and used and enjoyed with those dwellinghouses, that later the two dwellinghouses were converted into one and the remainder of the land continued and continues to be used as the garden of that dwellinghouse.

Although the dwellinghouse is now known as "Moorside Nurseries" this objection is not to a nursery garden but to the small private garden used with the dwellinghouse.

The objector produced a statutory declaration dated 8 July 1992 and made by Doris Parton who declares that she was born on 26 February 1913 and has lived continuously at "Moorside" Kerry Lane, Wetley Moor since 1934 and has been acquainted with the objection land since then. By the beginning of the Second World War there were two cottages on the objection land and the remainder of that land was used as the garden of one of them.

The objector also produced a statutory declaration dated 9 July 1992 and made by himself in which he declares that he purchased the objection land together with other adjacent land in 1977 that there were then two semidetached cottages on it and that he converted them into one and has lived there using the remainder land as "our formal garden" ever since.

On that uncontradicted evidence I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.



I am required by regulation 22(1) of the Common Land (Rectification of Registers) Regulations 1990 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

2157

day of September Peter Langum. Durin

1992

Chief Commons Commissioner