



COMMONS REGISTRATION ACT 1965

Reference No 233/U/91

In the Matter of Recreation Allotments,  
Hammerwich, Lichfield District,  
Staffordshire

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DECISION

This reference relates to the question of the ownership of land known as Recreation Allotments, Hammerwich, Lichfield District, Staffordshire being the land comprised in the Land Section of Register Unit No VG. 31 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 the General Secretary of Commons, Open Spaces and Footpaths Preservation Society (the registration was made on their application) in a letter dated 20 December 1976 said that the land was allotted to the Churchwardens and Overseers of the Poor of the Chapelry of Hammerwich in an award made on 18 November 1856 for the inclosure of Cannock Chase in the Chapelry of Hammerwich, and the Clerk of Hammerwich Parish Council with a letter dated 1 May 1977 enclosed an extract from the 1856 Award. No person claimed to be the freehold owner of the land in question and no other 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 Hammerwich Parish Council were represented by Mr A J Rudge their clerk.

Mr Rudge who has been the Clerk since 1970, said (in effect):- The extract sent with his letter of 1 May 1977, together with the map on which allotment numbers 61, 62 and 63 mentioned in the Award had been marked, had been sent to the Parish Council by the County Council who had the custody of the Award. The land ("the Unit Land") comprised in this Register Unit is the same as that numbered 62 on the map and by the Award allotted to the Churchwardens and Overseers of the Poor of the said Chapelry as containing two acres in trust as a place for exercise and recreation for the inhabitants of the said Chapelry and neighbourhood. The plot no. 63 (adjoining the Unit Land on the south, and being that containing two acres by the Award allotted "in trust as an allotment for the Laboring Poor of the said Chapelry") is always known as the Allotment Field and is now let by the Parish Council for grazing to a person who farms locally, and is distinct from the Unit Land. The plot to the north numbered 61 being two acres was by the Award allotted to the Surveyors of the Highways of the said Chapelry and was allotted as a public Quarry for supplying Stone and Gravel for the repair of the Roads and Ways within the said Chapelry"; this land, although it is not part of the Unit Land is not distinct from it; as he first knew it, it was being infilled by Lichfield



Rural District Council, apparently having previously had marl taken out of it and out of parts of the adjoining Unit Land for road surfacing as originally contemplated. This infilling was completed about 2 years when the surface was topped up. During this year plot no 61 and the Unit Land has had top soil spread over most of it and has been sown with grass seed.

Under the 1856 Award and the Overseers Order 1927, the Parish Council as successors in title of the Churchwardens and Overseers of the Poor must now be the owners unless by reason of what has been done since the Award, ownership has passed to someone else. It may be that those entitled to quarry on plot 61 have encroached onto the Unit Land so that in the result it has not been used for exercise and recreation as contemplated by the Award; nevertheless I have no evidence that such disuse has been such as to affect the ownership of the Parish Council and the circumstance that they have received ~~rent~~ for the tipping right is some evidence that their ownership continued, and therefore on the evidence of the 1856 Award I am satisfied that the Parish Council, as successors of the Churchwardens and Overseers are the owners of the Unit Land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Hammerwich Parish 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 21st day of December

1977

a. a. Barton Fuller

Commons Commissioner