



COMMONS REGISTRATION ACT 1965

Reference No. 233/D/29

In the Matter of Wetley Rocks,
Cheddleton, Staffordshire
Moorlands District, Staffordshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 106 in the Register of Common Land maintained by the Staffordshire County Council and is occasioned by Objection No. 59 made by The Trustees of the Cheddleton Freeholders as administrators of the Cautionary and other land Charity, and noted in the Register on 20 April 1971.

I held a hearing for the purpose of inquiring into the dispute at Hanley, Stoke-on-Trent on 4 July 1978. At the hearing the said Trustees were represented by Mr J F Haigh their chairman.

Mr Haigh produced an affidavit sworn on 21 June 1978 by Mr J M Mooney a higher executive officer at the northern office of the Charity Commission to which was exhibited: (1) a copy of paragraphs 24 to 47 (headed "Cautionary and other Lands administered by the Freeholders") of a report dated 9 April 1897 and made by an Assistant Charity Commissioner; (2) a copy of a scheme dated 6 January 1911 and made by the Charity Commissioners for the administration of the Charity consisting of the said Cautionary and other Lands; and (3) a copy of seven orders dated 1 October 1926 and made by the Charity Commissioners authorising the sale of certain parts of the Lands.

Mr Haigh also produced a letter which was handed to him immediately before the hearing by Mr R J Beniston in which he as vice chairman of Leek and District Field Club (the registration was made on their application) said that they do not now wish to uphold the application for registration.

The land ("the Unit Land") is a strip a little under 600 yards long on the east side of and for the most part adjoining the road from Cellarhead to Cheddleton (A520). The grounds of Objection are: that the area of land covered by the registration. Entry was not common land at the date of registration.

In support of the Objection oral evidence was given by Mr Haigh himself, and by Mr J D Bebbington who is now and has since June 1974 been the clerk and agent of the Trustees. Two days after the hearing I inspected the Unit Land.

The Unit Land contains about $3\frac{1}{2}$ acres. From the road it rises, on its east side very steeply, to the adjoining higher ground on the east, showing an extensive outcrop of rocks (Wetley Rocks) of extraordinary appearance, and of outstanding scenic beauty. A small flat area near the road has been laid out as a picnic area and car park and no doubt many motorists and others enjoy the sight of the rocks. At one end a small part of the Unit Land has been left to Staffordshire County Council as a compound for their Highways Department.



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On this reference I am concerned to determine whether the Unit Land is within the definition of "common land" in the 1965 Act, the relevant words being "waste land of a manor". In a sense the Unit Land is waste land; it is open to the road, and except for purposes incidental to it being a place of natural scenic beauty, it could not be used otherwise. Many such places have been preserved as such because they are or were waste land of a manor. But the documents produced in this case, which show the history of the Unit Land in some detail since the Cheddleton Inclosure Act 1735 (8 Geo 2 c. 15) establish (clearly I think) that the Unit Land is now owned by the Charity and is not and has never at any now relevant time been "of a manor". Accordingly I refuse to confirm the registration.

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 July — 1978

A. A. Baxton

Commons Commissioner