



In the Matter of The Greens, Brinklow, Warwickshire.

DECISION

This reference relates to the question of the ownership of land known as The Greens, Brinklow, being the land comprised in the Land Section of Register Unit No. VG 122 in the Register of Town or Village Greens maintained by the Warwickshire 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 Mr M R Cox, Mr J A Kelly, Mr S G Abbott, and Mr E Lindon each claimed to be the freehold owners of parts 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 Rugby on 11 November 1982.

At the hearing Mr Kelly and Mr Abbott appeared in person, and I gave leave for Mr Cox to be represented by his wife. There was no appearance by or on behalf of Mr Lindon.

The land comprised in the Register Unit consists of three areas. The evidence adduced, at the hearing related only to a strip of land on the eastern side of Broad Street.—This strip of land is in front of three houses now numbered 35, 33 and 40 Broad Street, but which formerly consisted of five properties known as Cromwell Cottages. Although dignified by the title of "Green" and now registered as a town or village green, this strip of land is in reality a piece of roadside waste, and there is a rebuttable presumption that the owners of the houses adjoining it are also the owners of so much of the strip as lies between their respective houses and the road. Not only is there no evidence to rebut the presumption in this case, but there is ample evidence to support it.

Mr Cox's documents of title begin with an indenture made 1 June 1793 between (1) The Company of Proprietors of the Oxford Canal Navigation (2) Thomas Brown, in which the property is described as bounded by the turnpike road leading from Coventry to Lutterworth. The only document on which there is a plan is an indenture made 27 May 1862 between (1) Thomas Wolfe (2) Charles Rotherham. This shows the strip of land between the buildings and the street as part of the property conveyed.

Mr Cox's more recent title commences with a conveyance made 25 April 1947 between (1) Ernest John Bawden (2) Samuel Bernard Cox of 1, 2, 3, and 4 Cromwell Cottages. Mr S B Cox died on 8 September 1976, and probate of his will was granted to Evelyn Bertha Cox and Maurice Roy Cox on 4 January 1977. On 3 May 1977 the executors assented to the vesting of the four cottages in Mrs E B Cox. Mrs E B Cox died on 14 December 1979, and on 18 February 1980 letters of administration of her estate were granted to Mr M R Cox. On 27 June 1980



Mr M R Cox vested 1 and 2 Cromwell Cottages (now 36 Broad Street) in himself and 3 and 4 Cromwell Cottages (now 38 Broad Street) in Iris Irene Cygan.

Mr Kelly acquired 38 Broad Street by a conveyance made 23 December 1981 between (1) Iris Irene Cygan (2) John Kelly.

Mr Abbott's earliest document of title is a conveyance made 7 December 1903 between (1) Samuel Ensley (2) Thomas Brown in which what is now 40 Broad Street is described as one of six cottages with a frontage to the Town Street of Brinklow. This property was conveyed to Mr Abbott and his wife by a conveyance made 3 December 1950 between (1) John William Walker (2) Sydney George Abbott and Eileen Rose Abbott.

On this evidence I am satisfied that Mr Cox, Mr Kelly, and Mr and Mrs Abbott are the owners of the parts of the land in front of their respective houses. I shall accordingly direct the Warwickshire County Council, as registration authority, to register them as the owners of those parts of the land under section 8(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the County Council to register the Brinklow Parish Council as the owner of such remainder under section 8(3) 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

18<sup>th</sup>

day of

November

1982

Chief Commons Commissioner