



COMMONS REGISTRATION ACT 1965

Reference No. 267/U/1

In the Matter of a village green at Walsgrave-on-Sowe, Coventry City, West Midlands.

This reference relates to the question of the ownership of part of land in Walsgrave-on-Sowe, Coventry City being the land comprised in the Land Section of Register Unit No.VG.1 in the Register of Town or Village Greens maintained by the West Midlands County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The said land ("the Unit Land") contains about  $\frac{1}{2}$  an acre, is at the southern end of No.2394 of the Ordnance Survey map SP 3880, abuts School House Lane and Athol Road, and is partly adjacent to the boundary of Walsgrave Church of England school at the the southeast corner of the school site. The said part ("the Referred Part") is that part of the Unit Land which is not registered under Land Registration Acts 1925 to 1971 freehold under Title No.WK 9638; the part which is so registered is a small strip adjoining the east side of the Unit Land by Athol Road.

Following upon the public notice of this reference the City Secretary of the City of Coventry in letters to the Clerk of the Commons Commissioners provided information about the land in question; no person claimed to be the freehold owner of the land 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 Birmingham on 2 October 1975. At the hearing West Midlands County Council were as registration authority represented by Mr M. P. Blamère-Brown, solicitor with the Council.

In his letter dated 9 August 1974, the City Secretary said:- "The Council have made exhaustive inquiries in an attempt to find ownership of the land but have met with little success. It has been ascertained from the District Valuer that the Clerk of the Walsgrave Parish Council in 1915 stated that neither he nor the Warwickshire County Council could find any trace of the ownership of the land. It was considered by the Clerk of the Parish Council to be roadside waste and he had evidence to the effect that it had been unfenced for fifty years prior to 1915 and as such could be maintained by the Parish Council as a public amenity. The City Council ascertained however that on the tithe map of 1843 the land was shown as being within the ownership of Lord Willoughby de Brooke, but enquiries with Rotherham & Co., 8 and 9 The Quadrant, Coventry, CV1 2EG a local firm of solicitors who had dealings with the Willoughby estate, did not reveal any information". In a letter dated 22 May 1975, he said:- "... more than five years ago the whole area of the Village Green was levelled and seeded by the former Coventry County Borough Council and since then the Village Green has been maintained by the former County Borough Council, and since the 1st April 1974 by the City Council."

In the absence of evidence I am not satisfied that any person is the owner of the Referred Part, and I shall accordingly direct the West Midlands County Council as registration authority, to register Coventry City Council as the owner of the land (the Referred Part as above defined) under section 8(3) of the Act of 1965.

TURN OVER



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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 7<sup>th</sup> — day of October — 1975

A. A. Baden Fuller

Commons Commissioner.