



COMMONS REGISTRATION ACT 1965

Reference No.33/U/19

In the Matter of Great Barr Manor
Common, Aldridge-Brownhills U.D.,
Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Great Barr Manor Common, Barr Common Road, Barr Common, Aldridge - Brownhills Urban District being the land comprised in the Land Section of Register Unit No.CL.37 in the Register of Common Land 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 no person claimed to be the freehold owner of the land in question and no 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 Stafford on 22 May 1973. The hearing was attended by Aldridge-Brownhills Urban District Council who were represented by Mr. P. E. Allery Principal Assistant in the Clerks Department.

Mr. Allery who has been employed by the Council since 1966 and was employed by the Aldridge Council from 1960 until 1966 when they combined with the Brownhills Council, gave evidence. The land ("the Unit Land") comprised in this Register Unit is triangular, bounded on the north-east (about 93 yards as I scale the map) by Barr Common Road, on the west (about 156 yards) by Longwood Road and on the south-east by a gravel track or path on the other side of which there is arable land; at its south east corner Knights Hill road comes in from the east. The Unit Land is at the end of a ridge (Longwood Road runs along it) giving views of the land around Walsall on the west and the land around Sutton - Coldfield on the east. It is grass land sloping down from the west (about 1/12). During the 13 years Mr. Allery has known it, the Council have maintained the Unit Land by keeping the grass cut, preventing fly posting on the salt and grit bin and discouraging as far as possible indiscriminate car parking. For this purpose about 3 years ago the Council surrounded the Unit Land with small concrete bollards (about one foot high placed every eight feet); nobody objected. Within the last three months the Council have dug three trenches (8 feet deep at one point) across the Unit Land for the purpose of laying a new storm water sewer: nobody as owner protested.

Mr. Allery mentioned that the Council had many years been in possession of 7 or 8 acres to the north of the Unit Land, once a gravel pit, but afterwards used as a rubbish tip: some years ago the Council having established a possessory title sold it and ~~high~~ high class houses have been built there. The land near and around the Unit Land is a highly prized source of bunter pebble; but there is now no sign of the pit shown in the Register map as being on the Unit Land.

On the above evidence, I conclude that the Council is now in possession of the Unit Land and having regard to this and to the open state of the Land and its position at the junction of roads, I deduce that it belongs and for many years has belonged to the parish in the popular sense of the expression and is therefore now



vested in the Council as successor in title of the Churchwardens and Overseers, the persons in whom parish land may be presumed to be vested, see Doe v Hiley (1830) B & C 885 cited in Haigh v West 1893 2QB19 at page 31.

For these reasons I am satisfied that the Council is the owner of the land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Aldridge-Brownhills Urban District 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 16th day of July 1973.

a. a. Baden Fuller

Commons Commissioner