



COMMONS REGISTRATION ACT 1965

Reference No. 208/U/68

In the Matter of the pieces of land known as (i) Town Mere at East End near its junction with Back Lane and Winster Lane (ii) The Pinfold, West End at its junction with Cliff Lane and Dark Lane and (iii) Exlowmere all in the Parish of Elton in the County of Derby

DECISION

This reference relates to the question of the ownership of three pieces of land known respectively as (i) Town Mere (ii) The Pinfold and (iii) Exlowmere in the Parish of Elton being part of the land comprised in the Land Section of Register Unit No. CL 60 in the Register of Common Land and maintained by the Derbyshire 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Derby on 11 June 1980.

Mr J H Bent Chairman of Elton Parish Council claimed ownership on behalf of the Parish Council of part of the Pinfold which was used by the Council for storing eg. lamp standards. The Parish Council had mown the grass on Town Mere for the past 60 years. There had been a village hall on Town Mere from 1917-1939 when it was taken down. The Peak Park Authority had put up a wall at Exlowmere in 1974 and there was a gate in the wall.

Mrs Beresford on behalf of herself and the ^{oldest} children of the late Mrs Sarah Buxton claimed, as next of kin, ownership of the Pinfold which had it was alleged been used by Mrs Mary Mosley, Mrs Buxton's mother and by Mrs Buxton who lived in a house adjoining the Pinfold for keeping hens. This was started before 1916 according to Mrs Lydia Binns, another daughter of Sarah Buxton, who made a Statutory Declaration on the 9 November 1979. In 1938 the family moved to a Council House in another part of Elton and ceased to own the Pinfold.

No person could produce any documents of title nor was it known whether any such documents existed.

On this evidence I am not satisfied that any person is the owner of the land or any part of it and it will therefore remain subject to protection under section 9 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

14th 1980

day of

July

1980

George H. H. H. H.

Commons Commissioner