



In the Matter of the two pieces of land in the Parish of
Wessington in the County of Derby known as Amber Row Green

DECISION

This reference relates to the question of the ownership of land known as Amber Row Green being the land comprised in the Land Section of Register Unit No. CL 46 in the Register of Common Land 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 Wessington Parish Council claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chesterfield on 1 October 1980.

Mr Vinicombe of Messrs Flint Bishop and Barnett, Solicitors of Derby appeared for Wessington Parish Council and Mr A E Shepperson of Messrs Shacklocks, Solicitors of Sutton-in-Ashfield appeared for Mr and Mrs Bowers, the owners of Dalebridge House which lies to the east of the southern end of the land.

Mr David Thomas Tapsell who became vice-chairman of the Parish Council in 1980 having been a member since 1975, stated that he had lived in Wessington for the past 11 years and was familiar with the history of Amber Row Green. The Green had formerly belonged to Darley Abbey before the dissolution of monasteries in the time of Henry VIII. The Parish Council had no documents of title but relied on the following acts in support of a possessory title.

For many years past the Parish Council has managed the Green including cutting and weeding. At first the Parish Council paid for this work but now the cost is borne by the District Council. The Parish Council has provided a seat and pays for repairs to the seat. With the aid of a Government Grant, the Parish Council levelled and re-seeded the Green and planted trees on it. The Parish Council secured the removal of a load of clay when the lorry containing it broke down.

Mr Shepperson did not cross-examine Mr Tapsell, nor did he seek to challenge. A difficulty arose because a doubt as to whether a small triangle of land at the extreme south-eastern end of the Register Unit was included in the Unit or not.

The scale of the copy of the Register Map provided for me was so small and the boundary line so thick, that I could not determine the answer from that copy. No difficulty would arise if this triangle ownership of which was claimed by Mr Shepperson's clients was not included in the Register Unit; if otherwise, Mrs Shepperson would have sought an adjournment as neither he nor Mr Vinicombe had anticipated this development. Mr Vinicombe's clients did not claim ownership of the triangle. It was agreed that if it turned out that this triangle formed part of the Register Unit, Mr Shepperson should have an opportunity at an



adjourned hearing of putting his client's case.

I have seen a copy of a letter from the Derbyshire County Council to Mr Shepperson's firm dated 6 December 1979. This refers to the area of Register Unit No. CL 46 as being shown coloured blue on a plan enclosed with the letter and the plan shows the triangle of land in question uncoloured.

On this evidence I am satisfied that Wessington Parish Council is the owner of the land, and I shall accordingly direct the Derbyshire County Council, as registration authority, to register Wessington Parish 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

21st

day of

October

1960

George Hennessy

Commons Commissioner