

COMMONS REGISTRATION ACT 1965

Reference No 228/D/1

In the Matter of The Hop Pole Car Park, at the junction of Newark Road and Main Street, Ollerton, Newark District, Nottinghamshire

## DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 62 in the Register of Common Land maintained by the Nottinghamshire CountyCouncil and is occasioned by Objection No 8 made by Saml Smith Old Brewery (Tadcaster) Limited and noted in the Register on 22 July 1970.

I held a hearing for the purpose of inquiring into the dispute at Nottingham on 25 January 1977. At the hearing (1) Saml. Smith Old Brewery (Tadcaster) Limited ("the Brewery Company") were represented by Mr N McClea solicitor with Simpson Curtis & Co, Solicitors of Leeds, and (2) Ollerton Parish Council, on whose application the said registration was made, were represented by Mr J Hood their chairman.

The land ("the Registered Land") in this Register Unit is a triangular piece bounded on the west by the Mill Stream of the River Maun (on the other side is the War Memorial fronting on the Newark Road which runs over the Mill Stream to the Bridge across the River), on the southeast by the Main Street (on the opposite side is the Hop Pole Hotel) and on the north by enclosed land (the Forest House and land used with it). The grounds of the said Objection are (in effect) that the Registered Land is not common land it having been conveyed to the Brewery Company by a conveyance dated 29 December 1938 and made by Rt Hon K F Baron Kinnaird and others, and having been used ever since as a car park in connection with the Hop Pole Hotel, the property of the Brewery Company.

Oral evidence was given: (1) by Mr Hood who has resided in Ollerton since he was 8 years old (20 years ago) and has been a member of the Parish Council for about 3 years and who produced their minute book from 1894 to 1916, a statement rigned by some old residents, a letter dated 22 September 1965 from the Nottinghamshire Association of Parish Councils, and a Public Record Office Copy of a map of the Township of Ollerton in the parish of Edwinston 1779" from the Common Pleas Recovery Roll 19 Geo 3 Trinity: deeds enrolled vol 184; (2) by Mr T F Wyld who is 55 years old, has lived in New Ollerton since 1946 and been a member of the Council for the last 14 years and who produced a modern OS map (1/2500); (3) by Mr J M Grant who is Estates Assistant of the Brewery Company and who produced the said 1938 conveyance; (4) by Mr J M Forrest who is now and has been since 1968 the licensee of the Hop Pole Hotel and tenant of the Brewery Company; and (5) by Mr McClea who produced a sketch of extract from plan annexed to Ollerton Tithe Award 1840 and a bundle of various letters written between 27 July 1932 and 8 July 1936.



By the 1938 Conveyance Lord Kinnaird with others conveyed "FIRST ALL THOSE pieces...of land...comprising...20.298 acres delineated on the plans...annexed ...TOGETHER with the four licensed houses known as the "Hop Pole" and...AND SECONDLY ALL such estate or interest as the...vendors or any...of them have in the southern portion of the Hop Pole Car Park, Ollerton aforesaid Ordnance No part 113 shown hatched in black on the said plans numbered 1 and 2 such portion being formerly manorial waste of the Hanor of Ollerton".

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 7th . day of February \_\_\_\_\_\_ 1977

a.a. Bode Fuller

Commons Commissioner