



COMMONS REGISTRATION ACT 1965

Reference No. 205/D/11

In the Matter of land on the southwest
side of Boundary Lane, Peover Superior,
Macclesfield District, Cheshire

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. CL 80 in the Register of Common Land maintained by the Cheshire County Council and is occasioned by Objection No. 30 made by Meller Speakman & Hall, Agents to the Trustees of R P Silcock's Myerscough Trust and noted in the Register on 27 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Stockport on 29 October 1979. At the hearing Macclesfield Borough Council were represented by Mr R L Cole one of the solicitors with the Council.

The land (" the Unit Land") in this Register Unit is about 150 yards long and in places more than 25 yards wide (in places much less). The registration was made on the application of Peover Superior Parish Council. The grounds of Objection are:- "The land shown edged red on the attached plan forms part of the Astel Estate in the ownership of the Trustees of Mr R P Silcock's Myerscough Trust". I have a letter dated 26 October 1979 from Lawson Coppock & Hart solicitor of Manchester saying that the Parish Council withdraws their application for registration.

On the plan attached to the Objection the land edged red does not include a part (less than 1/10th of the whole at the southwest end) of the Unit Land. Mr P A Kinder who is Senior Assistant Parks, Cemeteries and Crematoria Superintendent of the Borough Council said that he knew the Unit Land: it is a rough coppice by the side of the road: no useful purpose would be served by leaving on the Register the part of the Unit Land not included in the Objection.

On the information summarised above and in the absence of any evidence in support of the registration, I conclude that it was not properly made, and accordingly I refuse to confirm the registration.

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 November 1979.

a. a. Baker Fuller

Commons Commissioner