



In the Matter of Smithy Green, Lower
Peover, Cheshire

DECISION

This reference relates to the question of the ownership of land known as Smithy Green, Lower Peover being the land comprised in the Land Section of Register Unit No. VG 18 in the Register of Town or Village Greens maintained by the Cheshire 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 Peover Inferior Parish Council claimed to be the freehold owner of the land in question and no other 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 Chester on 26 July 1979.

At the hearing Mr G C Cough, the Chairman of the Parish Council appeared on its behalf. He said that the claim was not based on title deeds, but the local inhabitants have enjoyed the Green at all times within living memory, and it is maintained by the Parish Council.

On this evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register Peover Inferior Parish Council as the owner of the land under section 8(3) 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

2nd October

1979

L. J. Morris Smith

Commons Commissioner