



In the Matter of The Village Green, Willaston,
Cheshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Willaston, being the land comprised in the Land Section of Register Unit No. VG 22 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 no person claimed to be the freehold owner of the land in question and no one 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 12 May 1983.

At the hearing the Ellesmere Port and Neston Borough Council was represented by Mr J J Hodgson, barrister, the Borough Solicitor, and the Willaston Women's Institute by Mrs B Greenwood, one of its members.

Although the land the subject of the reference is described in the Register as "the Village Green", it was formerly occupied by a school. By a conveyance made 22 February 1932 between (1) Revd John Wilkinson, William Rimington Glazebrook and Harold Edward Evans (2) The Parish Council of the Parish of Willaston, there was conveyed to the Parish Council "All that piece of land being the site of the School and buildings formerly used as the National School for the Parish of Willaston aforesaid which said piece of land contains 240 sq. yds. or thereabouts and is more particularly delineated on the plan hereto annexed and thereon edged red". The land edged red on the plan is the site of the school buildings and does not include the remainder of the land the subject of the reference, which appears from the plan to have been the curtilage of the buildings.

It is recited in the conveyance that by a deed poll dated 9 May 1882 Duncan Graham under the authority of the School Sites Acts 1841 and 1844 conveyed the piece of land thereafter described with the buildings then erected thereon which had for many years past been used as the National School at Willaston to the vicar and one of the churchwardens of Willaston for the purposes of the Acts of 1841 and 1844. Since the buildings were then in existence, a conveyance of them would include their curtilage. The conveyance of 1932 makes it clear that what was being conveyed was the property which had been the subject of the deed poll of 1882, so despite the red edging on the plan on the conveyance being limited to the land on which the school buildings formerly stood, I have come to the conclusion that the whole of the land the subject of the reference passed to the Parish Council by the conveyance of 1932.



The Parish Council ceased to exist in 1933, when its area became part of the Urban District of Neston. The Parish Council's property was vested in the Urban District Council by the County of Chester Review Order 1933. The Ellesmere Port and Neston Borough Council is the successor authority of the Urban District Council and acquired the District Council's property by virtue of the Local Authorities (England) (Property etc) Order 1973.

On this evidence I am satisfied that the Ellesmere Port and Neston Borough Council is the owner of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register the Borough 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

7~~th~~

day of

July

1983

Chief Commons Commissioner