



COMMONS REGISTRATION ACT 1965

Reference No 221/U/28

In the Matter of part of Nether Meadow,
Charnwood District, Leicestershire

DECISION

This reference relates to the question of the ownership of part of the land which is known as Nether Meadow (or Big Meadow), Charnwood District, which is near the railway viaduct by Stamford upon Soar, which for the most part is south of and adjoining the River Soar, which is crossed by the road from Loughborough to Stamford upon Soar and which is the land comprised in the Land Section of Register Unit No CL. 15 in the Register of Common Land maintained by the Leicestershire County Council. The said part ("the Referred Part") is that part of the said land ("the Unit Land") 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, Bartlett, Walters & Perry solicitors of Loughborough said (in effect):- Nether Meadow was enclosed following the Loughborough Inclosure Act 1759, by which various plots were allocated to specific persons or bodies. Since then there have been individual freehold titles to the plots. The Act and Award set up a scheme for the management of the Meadow as a whole, but each individual plot continued to maintain its individual ownership and sales periodically occur. Their Mr Walters has ~~been~~ been associated with the occupier/owner committee which has for some years kept some sort of surveillance over the affairs of the Meadow. Additionally to this information, Mr T C Shepherd claimed ownership of the Referred Part, and the following persons provided information about the ownership of other parts of the Unit Land; (a) the said Bartlett Walters & Perry as to the ownership of Loughborough Welfare Trust (John Storer Trustees), Clarke and Somerville Foundation, Jesus College (Cambridge) and Mrs Birkin (of Inglenook); (b) John German & Son, Land Agents of Loughborough as to the ownership of Miss J F Paget (of Nanpantan Hall); (c) Loughborough Endowed School (Bursar and Clerk) as to their land having been sold to Mr D Allonby; (d) Shakespeare McTurk & Graham, Chartered Surveyors of Market Harborough as to land owned by Prestwold Estate having been sold to Mrs P Allonby; and (e) Straw & Pearce, solicitors of Loughborough as to Miss A Cartwright and Mr W W Straw not claiming ownership of the Referred Part. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the Referred Part at Leicester on 21 July 1976. At the hearing Mr T C Shepherd was represented by Mr P J Tomlinson, solicitor of Moss Tonne & Dean Solicitors of Loughborough.

In the course of his evidence Mr Shepherd produced the conveyances specified in the Schedule hereto. Two days after the hearing I viewed the Unit Land from the road.



The Unit Land is in two pieces. The larger is (as I scale the Register map) from east to west a little under 1 mile long, and being irregularly shaped, is of varying width (averaging about $\frac{1}{4}$ of a mile); according to the map it comprises all or most of OS nos 640, 641 and 803 which together contain about 208 acres; it is all flat grassland, all (or nearly all) open to the road, and all (or nearly all) unenclosed. The smaller piece is on the other side of the railway embankment, and comprises OS no 626 containing 18.012 acres. In the Rights Section of this Register Unit, there are 19 Entries of rights to depasture stock for every 4 acres of ground pro rata with the land detailed in the column 5 of this Section of the Register, such stock being 2 mares or geldings/3 mares or geldings 2 years old/4 mares or geldings 1 year old/3 cows/4 heifers 2 years old/6 heifers or stirks 1 year old/16 sheep (all these figures being alternative). In the Ownership Section of this Register Unit there are 18 Entries, the owners being, except in 2 cases, the same persons as the applicants named in the Rights Section; the Ownership Section extends to all the Unit Land except 2 pieces: the larger ("the U Piece") containing (as I estimate from the map) between 6 and 10 acres and adjoining (at the lower end of the U) the River Soar and being situated about 250 yards north-west of the road; and the smaller ("the Square Piece") containing little more than $1\frac{1}{4}$ acres being approximately square and situated on the northeast side of and adjoining to the road a little south of the bend.

Mr Shepherd said in effect:- The 18 plots as marked on the Register map, of which there are now registered owners are identifiable on the ground by stones or concrete posts, so owners can recognise what they own. Entry No 8 in the Rights Section was made on his application although his name in the Register has been misspelt (Sheppard should be Shepherd); he could not explain why he had been missed out of the Ownership Section. He identified the lands he was claiming with those he had acquired in 1950 from Mr Wileman under the conveyance mentioned in the Schedule hereto. His understanding of the arrangements made by the Award was that in effect the mowing belonged to each plot owner but the aftermath was grazed in common. He usually sold his mowing rights. He and the other owners found it impractical to graze the aftermath because the road traffic made this difficult and stirks would wander; however he knew that one farmer had grazed a herd of cows from milking in the morning to milking in the afternoon (milking cows are more inclined to keep together).

The conveyances produced by Mr Shepherd appear to have been regularly made. He identified the lands thereby conveyed with the U Piece and the Square Piece; although the 1950 conveyance has no plan attached to it, the plans attached to the earlier conveyances correspond with the Referred Part as delineated on the Register map. I am therefore on the evidence of Mr Shepherd satisfied that he is the owner of the Referred Part and I shall accordingly direct the Leicestershire County Council as registration authority to register Mr Thomas Carter Shepherd of Swingbridge Farm, Swingbridge Road, Loughborough as the owner of the Referred Part under section 8(2) of the Act of 1965 and I will in my direction define the Referred Part as being that part of the land comprised in this Register Unit of which no person is registered under section 4 of the Act as the owner.

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.

SCHEDULE

- 19 June 1950 Conveyance A J Wileman to T C Shepherd of lands by reference to the below mentioned conveyances
- 19 August 1936 Conveyance J Stubbs to A J Wileman with plan showing the Square Piece
- 1 September 1937 Conveyance London & North Eastern Railway Company to A J Wileman with plan showing north part of the U Piece
- 16 September 1918 Conveyance H Thirlby to T Tyler with plan showing the west part of the U Piece
- 2 February 1937 Conveyance by M M Aldridge and others to A J Wileman by reference to 1918 conveyance plan
- 22 October 1934 H T Peach to A J Wileman with plan showing east side of U Piece

Dated this 27th day of July —

1976

a. a. Baden Fuller

Commons Commissioner