



COMMONS REGISTRATION ACT 1965

Reference No.21/U/31

In the Matter of The Pinfold  
(Dovecote Corner), Long Clawson,  
Melton & Belvoir R.D., Leicestershire

DECISION

This reference relates to the question of the ownership of land known as The Pinfold (Dovecote Corner) Long Clawson in the parish of Clawson and Harby, Melton and Belvoir Rural District being the land comprised in the Land Section of Register Unit No.VG.63 in the Register of Town or Village Greens maintained by the Leicester 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 Clawson and Harby Parish Council claimed to be the freehold owner of the whole, and Mr. D. W. Phillips claimed to be the owner of part, 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 Leicester on 25 July 1973. The hearing was attended (1) by Clawson and Harby Parish Council who were represented by Mr. M. Marsh of Oldham Marsh and Sons, Solicitors of Melton Mowbray, and (2) by Mr. D. W. Phillips in person.

Mr. Phillips, to whom Woodbine Cottage had been conveyed by a conveyance dated 3 January 1973, gave evidence on his own behalf. Mr. J. A. Jesson who is now 59 years of age, has lived in the adjoining village of Hose all his life and is now and has been since 1955 clerk of the Parish Council, gave evidence on their behalf. After the hearing I inspected the land it having been agreed that I might do so unattended.

The land ("the Unit Land") comprised in this Register Unit surrounds on the west, east and north Woodbine Cottage and land held with it. Both front on, and are on the north side of, the Main Street. The Unit Land includes the eastern part of the garden of Woodbine Cottage. The boundary of the Unit Land is irregular, and the use made of it diverse. The part between Woodbine Cottage and the dwellinghouse on the west, except for a small area in front, is fenced (with a gate) from the Main Street; further back there is a second fence (with a gate), so that the yard in front of the dwellinghouse is inclosed. The part fronting on the Main Street between Woodbine Cottage and the brick wall of the land held with Dovecote House on the east is (from west to east), garden land of Woodbine Cottage, rough grass and nettles, hard core (when I was there used as a car park, perhaps irregularly), a track leading to the farm on the north east, a piece of grass verge and another track to the same farm. The part behind Woodbine Cottage is another inclosure between the said second fence and a third fence (with a gate) further back, consisting of a yard and garden in front of another dwellinghouse on the east, apparently with access to a large corrugated iron shed in the centre of the Unit Land. The remaining part is a wide grass track leading from the east to a gate to a field at the north west.



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Mr. Phillips accepted that on this reference I had no jurisdiction to direct that any part of the garden of Woodbine Cottage which had been included in the town or village green registration should be removed from the Register, although he said that its inclusion was a mistake by the Parish Council. He claimed ownership of the land ("the Green Land") being the part of the Unit Land edged green on the plan annexed to his said conveyance and bounded on the west by the line of the wall of the Cottage, on the east by a parallel line 16 feet 4 inches away, on the south by the Main Street, and on the north by the back of the said corrugated iron shed.

The east boundary of the Green Land is a compromise line drawn after discussion between the Parish Council and Mr. Phillips, representing as near as may be the line of the west side of the pinfold which used to be there.

The Parish Council claimed ownership of the remainder of the Unit Land, they having agreed with Mr. Phillips that they and he would not at the hearing make conflicting claims.

By subsection (3) of section 8 of the 1965 Act, if I am not satisfied as to the ownership of any part of the Unit Land, I am required to direct that the Parish Council be registered as owner. I need not therefore examine in detail the evidence offered either by Mr. Phillips or by the Parish Council in support of their claims.

Mr. Phillips handed me a statement with explanatory maps and photographs from which I conclude that the Green Land has for many years been occupied and held with Woodbine Cottage. It being accepted that he is now the owner of the Cottage and in the absence of any contrary claim by the Parish Council, I am satisfied that he is the owner of the Green Land.

Mr. Jesson produced three Parish Council minute books (1) 1894 - 1918, (2) 1918 - 1936 and (3) 1936 - 1951 and he relied on entries dated 28 December 1911, 8 June 1927, 26 July 1944 and 28 November 1944 as showing the reputed ownership of the Parish Council of the site of the Pinfold. He said that the Parish Council had for many years received small rents in respect of the above mentioned inclosures and of other parts of the Unit Land, that the old pinfold used to be east of the Green Land, and that a blacksmith shop used to be north east of the Unit Land (at the end of the grass track). Notwithstanding that the site of the old pinfold is only a part of the Unit Land, and that the rents were paid in respect of parts only, I conclude that the Unit Land, notwithstanding its present diversification, is one piece of land which has always been parish property and of which the Parish Council are now and for many years have been in possession. For these reasons, I am satisfied that the Parish Council are the owners of all the Unit Land except the Green Land.

I shall accordingly direct the Leicester County Council as registration authority under section 8(2) of the 1965 Act to register Mr. Douglas Wolfe Phillips of 29 Sackville Gardens, Leicester as the owner of the Green Land and Clawson and Harby Parish Council as owners of the remainder of the Unit Land, and I shall in my direction identify the Green Land as that edged green on the plan annexed, being a copy of the plan annexed to the said conveyance.



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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

8/5

day of August

1973.

a. a. Baden Fuller,

Commons Commissioner