



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/42

In the Matter of Stottesdon Recreation
Ground, Farlow, Bridgnorth D., Salop

DECISION

This reference relates to the question of the ownership of land containing about 3 acres 2 perches and known as Stottesdon Recreation Ground, Farlow, Bridgnorth District being the land comprised in the Land Section of Register Unit No. VG.27 in the Register of Town or Village Greens maintained by the Salop 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 Mr. Leslie Ernest Poyner claimed to be the freehold owner of the land in question and Stottesdon Parish Council wrote to the Clerk of the Commons Commissioners reserving all its rights over the ground; 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 Shrewsbury on 18 February 1975. At the hearing, Mr. Poyner was represented by Mr. F.P. Phillips, solicitor of Phillips & Co. Solicitors of Ludlow and Bridgnorth District Council were represented Mr. F.R.P. Boughey, one of their employees.

Mr. Poyner in the course of his evidence produced : (1) a conveyance dated 30 September 1971 by which The Farm at Oreton amounting in all to about 38.606 acres was conveyed by Mr. G.E. Poyner (his brother) and his brother's mortgagee to himself (Mr. Poyner the Claimant); (2) an abstract dated 1971 of the title of Mr. G.E. Poyner to The Farm, Oreton; (3) a contract of sale dated 20 August 1971 pursuant to which the 1971 conveyance was made; and (4) a statement signed by Mrs. J.Powell (his aunt) who is now 88 years of age.

The 1971 abstract commenced with an abstract of a legal charge dated 5 November 1931 by which Mr. J.E. Poyner (father of the Claimant) charged 40a. 2r. 27p. of land and included a plan which must, I think, be a copy of that drawn upon an indenture dated 24 June 1876 and referred to in the legal charge; and included also an abstract of a conveyance dated 29 January 1942 of the same land by Mr. J.R. Poyner to Mr. G.E. Poyner.

Mr. Poyner (the Claimant) identified the land ("the Unit Land") comprised in this Register Unit with part of the land coloured pink on the 1876 plan (and therefore included in the 1931 legal charge and the 1942 conveyance) and with part of the 38.606 acres of land conveyed by the 1971 conveyance to himself. He said he had always farmed the Unit Land with the other land adjoining it and comprised in the 1971 conveyance, and that about 2 years ago he ploughed up the Unit Land and re-seeded



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it without any fuss made.

Mrs. Powell in her statement said that her brother (Mr. E.J. Poyner) purchased "this particular piece of ground" (meaning, I think, the Unit Land) in about 1925 and that at no time in her life time had any recreational use ever been made of it.

After the hearing, I inspected the Unit Land. There is now between it and the remainder of the land comprised in the 1971 conveyance no clear boundary such as is indicated on the 1876 plan and on the Register map. The Unit Land does not appear convenient for use as a recreation ground: it is on a slope and some distance from where the majority of the local inhabitants are now living.

However I am not on this reference concerned with its possible future use as a recreation ground; quite apart from its registration under the Act of 1965 as a town or village green, the 1876 plan, the 1931 legal charge and the 1971 conveyance all describe it as a recreation ground or contemplate that it shall be used for exercise and recreation.

On this reference I am concerned to determine the ownership. Although the 1913 House of Commons List of Inclosure Acts for Salop includes one made in 1848 for the inclosure of Stottesdon (Orceton Common: 300 acres), and the 1931 legal charge refers to an award, no award was produced to me; whatever may have been its terms, there is no legal reason why the Unit Land and the surrounding land, should not now be in the same ownership, and I can therefore properly conclude from the undisputed evidence of Mr. Poyner that he is now the owner. The extent of his obligations if any to permit the Unit Land to be used for exercise and recreation by the inhabitants of the Parish of Stottesdon and neighbourhood is not a matter with which I am on this reference ~~concerned~~ concerned.

On the above considerations I am satisfied that the Claimant is the owner of the land and I shall accordingly direct the Salop County Council as registration authority to register Mr. Leslie Ernest Poyner of Detton Mill, Detton, Neen Savage, Cleobury Mortimer, Salop 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

11th

day of

March

1975

a. a. Baden Fuller

Commons Commissioner