



COMMONS REGISTRATION ACT 1965

Reference No. 233/D/28

In the Matter of Caverswall Common,
Caverswall, Staffordshire Moorlands
District, Staffordshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 124 in the Register of Common Land maintained by the Staffordshire County Council and is occasioned by Objection No. 60 made by Mr Leslie Samuel George Knott and noted in the Register on 26 May 1971.

I held a hearing for the purpose of inquiring into the dispute at Hanley, Stoke-on-Trent on 4 July 1978. At the hearing Mr Knott the Objector was represented by Mr J M Hand solicitor of Tinsdall, Hollinshead & Moody, Solicitors of Stoke-on-Tren

The land ("the Unit Land") in this Register Unit is about 300 yards east of the cross-roads at Roughcote, and its north side adjoins the road from there to Hardwick. According to (my copy of) the Register map its boundaries are four approximately straight lines ("the north side, the east side, the southeast side, and the southwest side"). The grounds of Objection are: "That the land was not common land at the date of registration".

Mr Knott in the course of his evidence produced a conveyance dated 27 September 1919 by which Colonel W S W Parker Jarvis with the concurrence of his trustees conveyed to Mr Samuel George Knott (the father of the witness) land ("the Conveyed Land") with two cottages on it containing 2.701 acres and edged pink on the conveyance plan. The Conveyed Land is for the most part south and southeast of the Unit Land, but it includes: (a) part ("the 838 Area") of the Unit Land which is at its south corner and which is in the conveyance described as: "838 (No. on plan) House, building and garden (cultivation), .125 (acreage)", and (b) another part ("the Tongue") of the Unit Land which projects from the Conveyed Land into the Unit Land across its southeast side. On the conveyance plan, land to northwest of the Conveyed Land is coloured yellow (being land apparently retained by the Vendor), and this includes another part ("the Yellow Area") of the Unit Land which is approximately semicircular and projects into the Unit Land across its southwest side.

Mr Knott who was born in 1926 said (in effect):- On the Conveyed Land there are and as he remembers always have been two cottages, Woodside Holding and Fair View. His father was tenant of Woodside Holding before he purchased and lived there from about 1894 until his death on 4 October 1965. He (the witness) was born in the cottage and lived there until he joined the Army in 1944. On the Yellow Area there is and has been for many years (from 1900 at least) a house. On the Tongue there was a shed. The 838 Area was garden ground. The rest of the Unit Land was apparently at one time a gravel pit (on the conveyance plan so called) but his father treated himself as the owner; a track across it was not used except to the cottages. The Unit Land was fenced off from the road, and his father sometimes kept



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cattle there; on it there was a seam of gravel, and a friend of his father's took away a load of it in about 1936; his father did not afterwards work it because the boundary was reached; nobody other than his father (and his friend) took gravel. His father just before he died installed a water pipe across the Unit Land (for him the work was done by the witness and his brother-in-law dug a trench in places 8 ft deep) and asked no-ones permission. After his father's death he granted (1967) the Midland Electricity Board a wayleave across the Unit Land and had received the rental (a copy of the agreement supplied by the Board with a letter dated 28 July 1976 was produced) and he renewed the fence by the road.

I am concerned to determine not whether Mr Knott as personal representative of his father has acquired a possessory title to the part of the Unit Land not included in the 1919 conveyance (as to this I express no opinion) but whether the Unit Land was on 2 April 1970 (the date of registration) within the definition of "common land" in section 22 of the 1965 Act. As to this no-one at the hearing supported the registration (it was made on the application of Caverswall Parish Council), although the land may (according to the Register map it contains 2.46 acres) be of some local importance. The evidence summarised above is somewhat lacking in detail and is not absolutely inconsistent with the land being "waste land of a manor" within the definition; however I ought not I think, against a registration which is not supported by anyone to require any more. Accordingly I conclude on the evidence summarised above that the land should not have been registered, and for this reason I refuse to confirm the registration.

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 21st —

day of July — 1978

a. Baden Fuller

Commons Commissioner