

COMMONS REGISTRATION ACT 1965

Reference No. 253/1/23

In the Matter of Farley Cliffs, Farley,  
Staffordshire Moorlands District, Staffordshire

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DECISION

This reference relates to the question of the ownership of land known as Farley Cliffs, near Haybank Farm, Farley, Staffordshire Moorlands District being the land comprised in the Land Section of Register Unit No. CL. 45 in the Register of Common Land maintained by the Staffordshire 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 Farley Parish claimed ownership. 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 land at Stafford on 12 February 1976. At the hearing Farley Parish Council were represented by Mr V W Buttress their clerk.

Mr Buttress who has lived in the Parish all his life (46 years) and been clerk of the Parish Council for the last 22 years, in the course of his evidence produced:- (1) A copy (with many apparently old manuscript annotations) of the Alveton (otherwise Alton) and Bradley in the Moors Inclosure Act 1824 (5 Geo.4.c.10); (2) a copy of the part of the Award made under the Act by which allotments were made for watering places, stone pits and gravel pits in the township of Farley; (3) a copy of part of the Award map; (4) an agreement dated 18 April 1932 by which Mr J W Buttress agreed "to pay the Parish Council of Farley...5 shillings per annum for rent of land at Farley Cliffs the same land being Parish land"; (5) an agreement dated 25 March 1957 by which Mr V W Buttress agreed (using the same words) to do the same; and (6) the Farley Parish Council Minute Book from 1894 to 1937.

By the 1824 Act, the Commissioners were required to allot unto the surveyor or surveyors of the highways of the said parish of Alveton otherwise Alton, and Bradley in the Moors for the time being plots to be used as public watering places for cattle, or as places for the digging and getting of stone, sand, gravel and other materials for the making and repairing of bridges, highways and roads within the said Manor of Alveton otherwise Alton and within the said parishes of Alveton otherwise Alton and Bradley in the Moors respectively, and for the use of proprietors of estates within the same Manor and parishes respectively or their respective tenants for the time being, which said allotments should be vested in the surveyor or surveyors for the time being of the highways of the said respective parishes in trust for the several purposes aforesaid. By the Award (Mr Buttress obtained his part copies from the County Archives;



according to the 1904 Parliamentary Return the Alton and Bradley Award is dated 27 November 1833), for the township of Farley 2 acres 26 perches on Farley Cliffs, being No. 1 on Plan 1 were so allotted. The Minute Book shows that on 29 March 1908, attention was drawn to the "Parish Portion of Farley Cliffs with reference to the disposal of rubbish", on 20 April 1911, reference was made to the part of the Award relating to watering places and gravel pits as "awarded to the Parish", on 6 November 1915, it was decided to have a record made of the Parish Land, on 15 April 1918, reference was made to "the land awarded to the Parish" under the inclosure, and on 31 March 1932 rent of "the Parish land The Cliffs Farley for 5/- per year" was agreed.

Mr Buttress said (in effect):- The land ("the Unit Land") comprised in this Register Unit and plot No 1 mentioned in the 1833 Award and map are the same. It is rough hilly ground; he remembered it being used as a tip; under the 1957 and 1932 agreements he is and his father before him was the tenant; it is now grassed over and used for poultry. The District Council had never claimed the Unit Land; the rent received for it has always been applied for Parish purposes.

Upon a consideration of the 1824 Act and the 1833 Award, by themselves, I would have inclined to the view that the legal ownership of the Unit Land passed to the Rural District Council under sections 25 and 67 of the Local Government Act 1894, notwithstanding that such Council would be obliged to give effect to the trust applicable thereto under the Act and Award. However having regard to the evidence summarised above, I conclude that the Parish Council are now and have ever since 1932 been in possession in circumstances which gave them a good possessory title, and that whatever might be the position apart from such evidence, I ought, in the absence of any claim put forward in these proceedings by the District Council, to presume that the Parish Council are now the legal owners.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Farley Parish Council as the owners 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 19<sup>th</sup> day of March —

1976

*a. a. Baden Fuller*

Commons Commissioner