



COMMONS REGISTRATION ACT 1965

Reference Nos. 233/U/31
233/U/32
233/U/33

In the Matter of (1) O.S. No. 5,
(2) O.S. No. 504, and (3) O.S. No. 21,
Drummers Knob, Cloudside, Rushton,
Staffordshire Moorlands District,
Staffordshire

DECISION

This reference relates to the question of the ownership of lands being (1) O.S. No. 5, (2) O.S. No. 504 and (3) O.S. No. 21 and known as Drummers Knob, Cloudside, Rushton, Staffordshire Moorlands District, being the lands comprised in the Land Section of Register Unit (1) No. CL. 78, (2) No. CL. 79 and (3) CL. 80 respectively 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Stafford on 12 February 1976. At the hearing Rushton Parish Council were represented by Mr H Harrison one of their members.

Mr Harrison who is also a member of Staffordshire Moorlands District Council and has lived all his life (61 years) in the Parish, in the course of his evidence said (in effect):- These three pieces of land (all next each other) are rough rocky grass, with heather, and are very hilly. They are at or near the highest point of the Congleton-Leek main road, at the south end of the Cloud Ridge (the Staffordshire-Cheshire end of the Pennines). The pieces are a local beauty spot; from them there is a view of the surrounding countryside; many motorists stop nearby, to walk up the Knob and see this view. The pieces are said to have been named in memory of a drummer's boy, brought here by Bonnie Prince Charlie. The Parish Council maintain no tipping notices, and had done so as long as he could remember.

On the day after the hearing, I walked over the three pieces. Their appearance is extraordinary; although much of piece No. 504 is a roadside waste, all three pieces can sensibly be regarded as one area of open heathery-rocky land for which the name "Knob" is not inappropriate; they will I suppose, being at a road junction, always attract travellers as a place for a pleasant stop. I cannot imagine how they can ever have been otherwise. The notices are in these words: "Rushton Parish Council: any person depositing refuse on or causing damage to this land will be prosecuted: by order of the Council". From these notices, I conclude that the Parish Council are in possession, and from the notices having been there for many years, I conclude also that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership.



For these reasons I am satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Rushton Parish Council as the owners of the lands 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 16th day of March — 1976

A. A. Baker - Fuller

Commons Commissioner