

The Beresford Case

Full name of case

R v City of Sunderland ex parte Beresford (House of Lords, 13 November 2003)

Case reference

[2003] UKHL 60, [2004] 1 AC 889

Summary

This case considered the meaning of the phrase 'as of right'. The encouragement of the use of the land by the provision of benches and regular cutting of the grass reinforced, rather than undermined, the impression that local people were using the area 'as of right'.

Issues considered

The local authority, Sunderland City Council, who owned the land, argued that by mowing the land and erecting seating they had given implied permission for people to use the land. They argued that such implied permission defeated any contention that use was 'as of right' because they had given permission. The Lords rejected this argument and confirmed that the land should be registered as a town or village green.

Commentary

This is an important decision, particularly where land is owned by a local authority.