



COMMONS REGISTRATION ACT 1965

Reference No. 10/D/13

In the Matter of Church Green,
Verwood, Dorset (No.1)

DECISION

This dispute relates to the registration at Entry No.49 in the Land Section of Register Unit No. C.L.49 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No.128 made by Mr. George Edward Moore and noted in the Register on 10th March 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 11th May 1972. The hearing was attended by Mr. G.F. Thomas, the Clerk of the Verwood Parish Council, and by Mr. Harding, solicitor for the Objector.

The whole of the land the subject of this reference is unfenced and uncultivated, much of it being overgrown with gorse. It formerly belonged to the lord of the manor of Verwood, from whom the Objector obtained it by a conveyance dated 11th December 1952. The land is crossed by tracks through the gorse, used by members of the public. Evidence was given by Mr. E.N. Wareham, one of the churchwardens, whose memory of the land goes back to about 1900. At that time and until two or three years after World War I a fair was held on the land at the end of each November. The fairground people did not pay for the use of the land. Mr. Wareham used to play football on it and it was used as a place of assembly on Hospital Sundays. Occasionally cattle of unspecified ownership were run on the ground, but there is no grazing now.

Since he purchased the land in 1952 Mr. Moore has given permission to church-goers to park their cars on it. He has also given permission for trees to be cut down and on several occasions he has burnt the gorse.

In my view this land has all the physical characteristics of waste land of a manor. It is open, uncultivated, and unoccupied: see Att.-Gen. v. Hammer (1858), 27 L.J. Ch. 837. Unfortunately, from the point of view of the Parish Council, the land is no longer parcel of the manor. The effect of the conveyance of 11th December 1952 was to sever this land from the manor: see Revell v. Jodrell (1788), 2 T.R. 415. This land cannot, therefore, fall within the second limb of the definition of "common land" in section 22(1) of the Commons Registration Act 1965.

While such a severance would not extinguish any rights of common over the land, there is no evidence of the existence of any such rights. Mr. Wareham's evidence about grazing by cattle and sheep is far too vague to support any right of common in any person. Therefore the land is also outside the first limb of the definition of "common land".

I have accordingly come to the conclusion that this land was wrongly registered as common land. It may be that a registration as a town or village



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green would have fared better, but that is an idle speculation, for the only question which I have jurisdiction to determine is whether it has been properly registered as common land.

For these reasons 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 30th day of May 1972

Chief Commons Commissioner