



In the Matter of Rosamunds Green,
Frampton-on-Severn, Gloucestershire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. VG 117 in the Register of Town or Village Greens maintained by the former Gloucestershire County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land section of Register Unit No. CL 284 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 8 February 1977. The hearing was attended by Mr F C Penley, solicitor, on behalf of Mrs H H E C Clifford, in pursuance of whose application the registration was made. The Frampton-on Severn Parish Council, the applicant for the conflicting registration, was represented by Mr Frank Powell, its Chairman.

Mrs Clifford is the lord of the manor of Frampton-upon-Severn and the owner of the land comprised in the Register Unit. She has known the land well for over 50 years. During that period the land has been used by the inhabitants of the parish of Frampton-on-Severn for indulging in a variety of sports and pastimes, including cricket, archery, bowls, and (what is almost the hall-mark of a town or village green) maypole dancing. Mrs Clifford admits that the inhabitants have so indulged as of right: the only permission which she has given has been for riding ponies.

Mr Powell informed me that the conflicting registration was made because the land in question was described in the Frampton-upon-Severn and Slembridge Inclosure Act of 1813 (53 Geo.III,c.77 (private, not printed)), as "a certain common or waste ground called Rosamond's Green". There is, however, no reason in law why a town or village green should not be subject to rights of common. Indeed, provision is made in section 4(1) of the Commons Registration Act 1965 for the registration of rights of common over a town or village green. Mr Powell said that the area of the land comprised in the Register Unit - about 15 acres- was very large for a town or village green: about 2 or 3 acres would be more logical.

After considering Mrs Clifford's evidence, which Mr Powell did not challenge by cross-examination, and Mr Powell's argument I have decided 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 26th day of March 1977.


Chief Commons Commissioner