



COMMONS REGISTRATION ACT 1965

Reference No. 213/U/101

In the Matter of the land known as The Cliff  
in the Parish of Newnham in the County of  
Gloucester

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DECISION

This reference relates to the question of the ownership of land known as The Cliff in the Parish of Newnham being the land comprised in the Land Section of Register Unit No. VG 20 in the Register of Town or Village Greens maintained by the Gloucestershire 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, I held a hearing for the purpose of inquiring into the question of the ownership of the land at Gloucester on 9 December 1980.

The hearing was attended by Mr W B Warner, the proprietor of The Silver Fox Cafe near Newnham-on-Severn, by Mr F C Penley, Solicitor representing the Executors of the late Sir Anselm William Edward Guise Bt, Lord of the Manor of Rodley and Newnham Parish Council.

Mr Warner said in evidence that he had been the owner of the Cafe since 1949 and produced a conveyance. He claimed to be the owner of a strip of land at the northern end of the Register Unit. When he took over this strip was bounded on the south by a hedge and on the northern end by a stream. He had taken a hay-crop off this strip each year and had tethered animals on it to graze from time to time including ponies, a goat and some calves. He had also mown the grass and in 1953 had given a narrow strip to the Highway Authority for road widening. In cross examination he said that the hedge was of privet and there was a ditch along side. The cafe had been in existence since 1939. Mr Penley conceded Mr Warner's claim.

Mr Penley produced a <sup>grant</sup> ~~part~~ of Probate of the Will of the late Barnett who had died on 12 September 1970. It was dated 25 February 1971 and issued <sup>out</sup> of the Oxford District Probate Registry. He produced the last receipt for the Free Farm Reat of the Manor. The remainder of the register unit with other land had been managed since 1924 by the former Newnham Town Council under an agreement with the Lord of the Manor.

Mr Harrison who was 64 and had been a member of the Town Council and later the Parish Council since 1947 gave evidence that throughout the period since 1949, the Council had maintained the whole of the land, excluding that claimed by Mr Warner. This included mowing and removing trees. This had been done without the permission of any person.



Mr K B Davies who was unable to attend the hearing submitted a written claim to ownership of a strip of land adjoining that claimed by Mr Warner on its southern boundary. He submitted a certified copy of a Conveyance dated 2 November 1955 of a property called Cliff House which included such right as the Vendor had in the strip claimed and alleged that he had kept the hedges trimmed and had cut trees.

These allegations were put to Mr Harrison and disputed by him and I prefer the evidence of Mr Harrison.

On this evidence I am satisfied that Mr Warner is the owner of that part of the land, hatched blue on my copy of the plan and that the personal representatives of the late Sir Anselm William Edward Guise Bt, are the owners of the remainder. I shall accordingly direct the Gloucestershire County Council, as registration authority to register these persons 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

17<sup>th</sup> ~~th~~

day of

March

1981

George Herbert

Commons Commissioner