



COMMONS REGISTRATION ACT 1965

Reference No. 55/D/4

In the Matter of Trellech Green,  
Trellech.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.5 in the Register of Town or Village Greens maintained by the former Monmouthshire County Council and is occasioned by Objection No. 20 made by Bass Ltd. (now called Bass Charrington Ltd.) and noted in the Register on 2nd September 1970.

I held a hearing for the purpose of inquiring into the dispute at Monmouth on 2nd July 1975.

The hearing was attended by Mr. G. V. Williams of the firm of Messrs. Morgan Francis Parnall and Francis, Solicitors, of Chepstow, for Trellech United Community Council (the applicant for registration); and by Mr. S. Lowry of Counsel, instructed by Messrs. Jacklyn Dawson and Meyrick Williams, Solicitors, for the Objector.

The land in question is a small piece of open land, some 0.2 of an acre in extent; lying between the Crown Inn Trellech and the public highway B.4293. The land is situate in the centre of the village. It is bounded on the east by the highway, on the north in part by a stone wall or hedge and garage on land adjoining the churchyard of St. Nicholas' Church and in part by a house called The Croft (now belonging to Mr. A. T. H. Poulter), on the west by the Crown Inn, and on the south by a building belonging to the Crown Inn, formerly used as a cottage or as stables.

Mr Williams put in evidence Affidavits by the undermentioned persons, all of whom are elderly and have been familiar with the Land in question over long periods viz.

Ivor Williams  
James Hoskins  
Sarah Elizabeth Price  
Arthur Davies  
Dorothy Margaret Davies  
William Howells  
Ithel James Bullock  
Nester Mary Wintour  
Amy Wintour  
Swendoline Ellaway  
Jessica Evans  
Margaret Woodward  
Albert Henry Young

Oral evidence was given by Mrs Sheila Mary Appleton and Mr. Thomas Henry Evans.

This affidavit and oral evidence shows that formerly, certainly down to the Great War 1914 - 18, there was an iron railing in front of the Crown Inn, about 10 feet from the front wall of the Inn, enclosing what was probably a small garden or forecourt. The area between this garden or forecourt and the highway was open and for the most part



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covered with grass. This piece of ground was referred to by the local inhabitants as "The Green", and there was a strong reputation among them that they had an immemorial or customary right to use it for games and recreation and other village activities. There is no doubt that, throughout the period of living memory, it has been so used until comparatively recent times. Children used to play there such games as "Ring-a-ring-a-roses" "Hoop-la" and skipping, and boys played football there with a small ball, without objection from the licensee of the Crown Inn. Harvest celebrations were held there. In olden times, it was used as a fair ground, with coconut shies and stalls for the sale of china and other goods. A live-stock market was also held there at one time. Mr. James Hoskins recalls that a fair was held there on 19th July 1919. Mrs S. E. Price (born 1881) states that at harvest time her husband used to take to the green an apple press so that as part of the amusement the local inhabitants could make cider. Fireworks displays were held there on Guy Fawkes nights and bonfires were lit on Armistice Day 1918 and V.E. Day 1945.

Mrs Appleton (the present chairman of Trellech United Community Council) produced a copy photograph of the village taken about 1900. This shows the Crown Inn and the land in question. The photograph shows the iron railings in front of the Inn. Mrs Appleton also produced Minutes of a Parish Meeting of Trellech held on 4th February 1929, which (inter alia) record:

"it was also decided to place on record that what remains of the old Village Green which does not belong to The Croft Estate or the Crown Hotel Estate, but to the Town of Trellech, should be kept free from all obstruction and encroachment."

Mrs Appleton stated that the village green extended from the fence shown in the 1900 photograph to the roadside, and from the cottage or stables on the south side to the church boundary fence. In 1935, at the time of King George V's Jubilee, a flagpole was erected by the Parish Council on this land near the Church boundary fence, and near the mounting block shown on the Post Card photograph dated about 1930 which she produced.

Mrs Appleton also testified that the land had always been regarded in the village as a village green, and that this was never challenged until 1966 when Mr. Davidson (the then landlord of the Crown) put up a notice stating that persons parking their vehicles on the land in question, not being customers of the Inn, would be charged 2/6d.

As appears from the report in the issue of Western Daily Press dated 7th October 1966, Mr Davidson's action provoked a row in the village. The villagers were angry, and claimed that the land was common land, meaning no doubt that in effect it belonged to them and not to the Crown Inn. Mr Davidson is reported as having told the Press: "There is no doubt that the brewery owns the land. It is in the deeds".

Well, Mr Lowry put the deeds of the Brewery in evidence. These begin with a Conveyance dated 31st March 1919, by which Robert Lachlan conveyed the Crown Inn to Lloyd and Yorath Ltd. The parcels describe the land as "more particularly delineated in the plan drawn in the fold..... and thereon coloured pink." The area coloured pink in the plan includes the area fenced in along the front wall of the Crown Inn, but it does not include the land locally known as The Green. By a Conveyance dated 8th March 1937 Lloyd & Yorath Ltd. conveyed the Crown Inn to Leonard Stephen Vaughan. The parcels are identical with those contained in the Conveyance of 1919 and do not include the land



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locally known as The Green. In 1956, however, when Mr. Vaughan sold the Crown to William Hancock & Co. Ltd, he purported by the conveyance dated 10th July 1956 to convey to the purchasers, in addition to the Crown Inn, all his estate and interest in the forecourt and entrance coloured green on the plan annexed thereto being the land known locally as The Green. By a Conveyance dated 26th May 1970 Wm. Hancock & Co. Ltd conveyed to Bass Ltd. (inter alia) the "Crown Inn Trellech, Monmouthshire;" and by a lease dated 18th April 1972 Bass Ltd. demised to the present licensee Mr David James Jenkins and his wife for the term of 199 years the Crown Inn "Together with (so far as the lessor can grant the same) the rights included in" the 1956 Conveyance.

Mr Lowry called as witnesses on behalf of the Objector the following persons:

Mr David James Jenkins, the present licensee of The Crown.  
Mr Charles Frederick Thomas Davidson, a former licensee of The Crown.  
Mrs Eva Mary Vaughan, the wife of a former licensee of The Crown.  
Colonel Hugh William Tyler.

Mr Lowry also put in an affidavit by Mr. J. A. Otto-Jones, Solicitor, exhibiting unsworn statements by Mrs Jane Crum and the former licensee Mr. Leonard Vaughan. These statements, being unsworn, are not strictly admissible in evidence, but, in the absence of objection, I am prepared to accept them at their face value. Both these statements confirm that formerly there were railings in front of The Crown.

The Objector's evidence shows that since the last war there has been very little, if any, use of the land in question as a village green i.e. for sports pastimes or recreation. Apart from its use for purposes of access to adjoining properties, it has been used almost exclusively as a car park by customers of the Inn, visitors to the Church and the general public. On several occasions in the recent past, the surface of the ground has been repaired and improved by successive licensees of the Crown Inn, in order to render it more suitable for use as a car park. It is, perhaps, also true that the considerable motor traffic on the adjoining highway renders it unsuitable for use as a playground by children, at any rate in the absence of supervision.

In my view, however, a village green does not cease to be such by non-use; or by environmental changes rendering it less suitable for use as a village green. The question is: was the land in question - that is, the area defined by Mrs Appleton - a village green at any time in the past? I have no doubt that it was. It follows, in my opinion, that it still remains a village green.

It also emerged from the Objector's evidence that Lloyd & Yorath Ltd. installed a water storage tank under the surface of the land for the supply of water to the Inn. It seems possible that the resolution of the 1929 Parish Meeting was related to the construction of the water tank; but be that as it may, this tank did not interfere, except during its construction, with the use of the land as a village green, and could not have altered its character as a village green.

For these reasons I confirm the registration with the following modification viz. there is excluded from the registration a strip of land 10 feet wide along the whole of the front wall of The Crown Inn. The registration is, of course, without prejudice to any rights of way, public or private, over the land.



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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 *14<sup>th</sup>* day of *November* 1975.

*A.E. Francis*

Commons Commissioner