



COMMONS REGISTRATION ACT 1965

Reference No 215/D/308

In the Matter of Aulden Common,
Leominster Parish, Leominster
District, Hereford and Worcester County

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL 190 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No 310 made by Mr William Sidney Layton and noted in the Register on 28 September 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 12 February 1981. At the hearing Mr W S Layton was represented by Mr S L Beaumont solicitor of Beaumont Smith & Davies Solicitors of Hereford.

The land in this Register Unit may for the purposes of exposition be divided into two parts: (1) one part ("the South Part") comprising OS Nos 1288 and 1289 situated a short distance south of Aulden together containing about 9 acres (less the roads leading south west and south east out of Aulden); and (2) the remaining part ("the North Part") comprising two comparatively very small pieces being part of OS No 1286 situated in Aulden. The registration was made on the application of the Mayor, Alderman and Burgesses of the Borough of Leominster. The grounds of the Objection are in effect that the South Part was not common land at the date of registration, the Objector having been the owner and occupier of it since 1963.

Mr W S Layton in the course of his evidence produced: (1) a certified copy of a conveyance dated 8 August 1963 by which Mr H P Price and Mrs C M Price conveyed to him the farmhouse and lands known as Knoakes Court Farm, and also a cottage and garden therein particularly described; (2) copy of a deed of confirmation dated 14 September 1966 made between Mr H P Price and Mr W S Layton; and (3) sale particulars dated 19 July 1940. From the 1963 conveyance and the 1966 deed it appears that Knoakes Court Farm thereby conveyed contains 232.71 acres. The 1963 conveyance by reference to a schedule and plan in which it appears the land thereby conveyed includes OS Nos 1288 and 1289 being therein described as "Ley" and "arable". In the 1940 particulars both OS Nos 1288 and 1889 are described as "arable". Mr Layton said that since he bought Knoakes Court Farm he had been farming it and both these OS Nos have been arable, and nobody had made any objection to this.

On this evidence and in the absence of any evidence explaining why the South Part was included in this registration, my decision is that the Objection succeeds.

If the application for the registration had originally included the North Part only, because there has never been any Objection to the North Part, such a registration would have become final by the operation of section 7 of the 1965 Act; in the absence of any evidence, I consider I should produce the same result and conclude that the registration ⁱⁿ which I am concerned was ~~made~~ ^{made} to property



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this extent. Upon these considerations I confirm the registration with the modification that there be removed from the Register the land shown edged red on the plan annexed to the said Objection.

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 1st — day of May — 1981

a. a. Bede Jull

Commons Commissioner