



COMMONS REGISTRATION ACT 1965

Reference No. 15/D/68

In the matter of Broad Oak Common,
St. Weonards and Garway, South Herefordshire D.,
Hereford and Worcester County

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. CL.118 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No.369 made by Mr. Ernest John Gibbon and Mrs. Mary Ann Gibbon and noted in the Register on 28 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 10 December 1974. At the hearing Garway Parish Council were represented by Mr. T. Nuttall, their clerk, and Mr. and Mrs. Gibbon attended in person.

The land ("the Unit Land") comprised in this Register Unit contains (as I scale the Register map) about 1/3 to 1/2 of an acre, and is situate at the cross roads in Broad Oak, east of the road to Monmouth, and south of the road to Ross-on-Wye. The said Entry in the Register was made on the application of the Parish Council. The grounds stated in the Objection are:- "That the land or some part thereof was not common land at the date of registration". Mr. and Mrs. Gibbon explained that under a conveyance dated 1961 they had become the owners of a piece of land on which there is a house formerly known as Emberton and now known as Hillcroft, which fronted on the road to Ross-on-Wye and which adjoins the Unit Land on its east side, and that the substance of their Objection was that the east boundary of the Unit Land was wrongly drawn on the Register map in that the Unit Land was wrongly shown as including part of the piece of land which had been conveyed to them.

After some discussion, in the course of which Mr. Gibbon produced the 1904 edition of the Ordnance Survey map (being the latest edition showing the Unit Land) and the said 1961 conveyance, Mr. Nuttall said that it had never been the intention of the Parish Council to register any part of the land of Mr. and Mrs. Gibbon, and that he agreed that the register should be modified as hereinafter provided. The part of the Unit Land which would by such modification be excluded as far as I can judge from the plan drawn on the 1961 conveyance, was intended to be thereby conveyed to Mr. and Mrs. Gibbon; it is very small when compared with the total area of the Unit Land. In these circumstances, I can I think properly give effect to the statements made by Mr. Nuttall and by Mr. and Mrs. Gibbon without further inquiry.

For these reasons, I confirm the registration with the modification that there be removed from the Register (a) the hedge, the north end of which is at a point on or near the south side of the road from Broad Oak to Ross-on-Wye, and being the northwest corner of the land now occupied with a dwelling house formerly known as Emberton and now known as Hillcroft, the line of which hedge is approximately north-south, the south end of which hedge is the wall being the



north boundary of a piece of land occupied with a dwelling house formerly used as a Post Office, and which said hedge is beech (north part) and holly and hawthorn (south part); and (b) all the land (if any) now comprised in this Register Unit which is on the east side of the said hedge.

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 18th day of December 1974

a. a. Baden Fuller

Commons Commissioner