



## COMMONS REGISTRATION ACT 1965

Reference Nos 215/D/317 to  
326 inclusiveIn the Matter of Green Crize Common,  
Lower Bullingham, South Herefordshire  
District, Hereford and WorcesterDECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos 1, 2 and 3 in the Rights Section of Register Unit No. CL 97 in the Register of Common Land maintained by the Hereford and Worcester (formerly Hereford) County Council and are occasioned by Objection No. 14 made by Mr C G P Blanche, Objection No. 17 made by Mr Leslie Morris Kedward, Objection No. 18 made by Mrs Maud Janet Thomas, Objection No. 19 made by Mr Gilbert Francis Webb, and by Objection No. 21 made by Mr Harold Pryce Goodwin and noted in the register on 26 October, and 11, 11, 11 and 13 November 1969.

I held a hearing for the purpose of inquiring into the disputes at Hereford on 11 February 1981. At the hearing (1) Mr C G P Blanche one of the said Objectors was present in person, (2) Mr L M Kedward, another of the said Objectors, and also the person on whose application Rights Section Entry No. 3 was made, was present in person; (3) Mrs M J Thomas, another of the said Objectors was represented by Mr R G Sheldrake, solicitor with T A Matthews & Co Solicitors of Hereford; (4) Mr G F Webb, another of the said Objectors, was present in person; (5) Mr H P Goodwin the remaining Objector, and also the person on whose application Rights Section Entry No. 2 and Ownership Section Entry No. 2 were made was represented by Mr S Beaumont solicitor of Beaumont Smith & Davies Solicitors of Hereford; (6) Mrs M J Goodwin as successor of Mr Joseph Vincent Webb deceased on whose application Rights Section Entry No. 1 and Ownership Section Entry No. 1 were made, was also represented by Mr S Beaumont; and (7) Lower Bullingham Parish Council were represented by Mr D S Hyde one of their members.

The land ("the Unit Land") in this Register Unit is a strip about  $\frac{1}{2}$  a mile long and between about 25 and 40 yards wide; along its length and dividing it into two verges runs the public road from Lower Bullingham to Hoarwityh. The grounds of objection are expressed in varying ways all of which may be summarised as being that the land shown in the plan attached is not common land; ~~the~~ the lands so shown total all or nearly all the Unit Land.

Mr Hyde said that the Parish Council did not wish to call evidence or say anything against these registrations being cancelled.

Mr Sheldrake produced (1) a conveyance dated 12 March 1913 by which Keyes O'Clery and others conveyed to Mr J Godsell land containing 134a. 1r. 25p. On both sides joining the Unit Land, and Secondly all such interest as the Vendors may have and can convey the land adjoining the road and coloured green on the plan (the Unit Land is so coloured); (2) an abstract dated 1912 of the title of the said Vendor which included a statutory declaration made by H A Case which he said that the Unit Land had been felled by order of the adjoining owners; and (3) particulars of a sale on 5 September 1912 of the (?) Rothermore Estate of which Lot 6 was the land comprised in the 1913 conveyance and was therein described as including "all such interests as the vendors have" in the



Unit Land. Mr Sheldrake said that the substance of the matter was that since the 1913 conveyance, lands thereby conveyed had been split up and the parts conveyed as including the vendors interest (following the words of the 1913 conveyance) so much of the Unit Land ~~was~~ adjoined the parts and successive owners have treated part of the Unit Land so included as being in their ownership.

In support of this statement oral evidence was given by Mr A R Goodwin who had lived all his life about a mile away from the Unit Land and who produced a conveyance dated 7 December 1955 by which land containing 62.505 acres was conveyed to Messrs H P Goodwin (the elder) Mr H P Goodwin (the younger) A L Goodwin and himself being land on both sides of the south part (a little over half) of the Unit Land and which included the vendors estate and interests in the adjoining Unit Land described as stated by Mr Sheldrake. Mr A R Goodwin said since 1955 persons entitled under the conveyance had known and grazed the adjoining part of the Unit Land and maintained it and the other owners of land adjoining Unit Land had treated parts of the Unit Land adjoining their land and part of it.

It was mentioned at the hearing that along much of the length of the Unit Land there is a remarkable avenue of oak trees.

*In* The absence of any evidence <sup>in support of</sup> ~~on~~ these registrations and <sup>only</sup> ~~the~~ the agreement expressed at the hearing of those now apparently entitled to benefit of the Rights Section registrations, I conclude <sup>(The)</sup> on the evidence summarised above that they should not have been made. For this reason I refuse to confirm the registrations at Entry No. 1 in the Land Section and at Entry Nos 1, 2 and 3 in the Rights Section. I give no decision about the Ownership Section registrations, because on the cancellation of the Land Section and Rights Section registrations they too will be cancelled, see section 6(3) of the 1965 Act.

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 8<sup>th</sup> — day of April — 1971

a. a. Baker Juller

Commons Commissioner