



COMMONS REGISTRATION ACT 1965

Reference No. 15/U/23

In the Matter of Llanwarne War Memorial,  
Llanwarne, South Herefordshire D., Hereford and Worcester County

DECISION

This reference relates to the question of the ownership of land known as Llanwarne War Memorial (extending to about 1/10th of an acre), Llanwarne, South Herefordshire District (formerly Ross and Whitchurch Rural District) being the land comprised in the Land Section of Register Unit No. VG.5 in the Register of Town or Village Greens maintained by the Hereford and Worcester 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 no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Hereford on 11 December 1974. At the hearing Llanwarne and District Group Parish Council were represented by Mr. A. Shaw Wright, one of their members.

Mr. Shaw Wright, who has lived in the parish of Llanwarne for 21 years and was clerk of Llanwarne Parish Council before April 1974 (~~at~~ Llanwarne was ~~then~~ *afterwards* grouped with other parishes under a common parish council) in the course of his evidence said that the local tradition is that the land ("the Unit Land") comprised in this Register Unit was about 130 years ago informally given to the Parish by the then incumbent (of the Rectory), Rev. Thornton, and that the Parish Council has for at least the last 15 years maintained it as Parish property.

As to the tradition, Mr. Shaw Wright had the story from a person who recently died at the age of 84 years and had lived in the Parish all his life. In old times the east-west road through the Village from a point on the now existing north-south road through the Village ran first in a west direction south of the Rectory and north of the stream (flowing from west to east through the Village) and of the grave yard of the Church (now in ruins) of St. John the Baptist, and ran next in a south direction over the stream (possibly a ford, there is now a footbridge) to a point on the now existing east-west road through the Village near the north-east corner of the grave yard of the Church (now existing and used) of Christ Church. Mr. Thornton wished to close this road, and was willing to provide alternative roads, one round the east and north sides of the Rectory and thence northwards out of the Village, and the other round the east and south sides of the grave yard of the Church of St. John the Baptist, and thence westwards out of the Village. To induce the Villagers to accept what he wanted (or to compensate them for any inconvenience), Mr. Thornton offered the Unit Land (then part of the last mentioned grave yard) to the Village. In the result the Village accepted, the old road was closed (its line can still be traced), and the Village road system became as it now is.



As to the maintenance of the Unit Land, Mr. Shaw Wright said (in effect):-  
The Parish Council believing themselves to be the owners, after the 1914-18 war erected on the Unit Land a war memorial; to this an inscription was added after the 1939-45 war. They have spent money on the upkeep of the Unit Land, planting rosebushes round the memorial, and arranging for the grass to be cut at least three times a year.

In the particular circumstances of this case, it may be of little practical consequence whether I am satisfied that the Parish Council are now the owners of the Unit Land and I then under Subsection (2) of Section 8 of the 1965 Act direct their registration as owners, because if I am not satisfied as to ownership (it was not suggested any person other than the Parish Council could be the owner), I am required by Subsection (3) to direct the registration of the Parish Council as owner. It is I think open to question whether Mr. Thornton could legally have made a gift of part of the grave yard as he did. However nobody has raised this question (Mr. Shaw Wright said that Mr. Thornton is reputed to have served the Parish well) and whether or not the "gift" was legal, the Parish Council have I think now a good possessory title to the Unit Land.

For these reasons, I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Llanwarne and District Group Parish Council as the owner 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 18<sup>th</sup> day of December 1974.

a. a. Baden Fuller

Commons Commissioner