



COMMONS REGISTRATION ACT 1965

Reference Nos 215/D/141  
215/D/142

In the Matter of Lower Maescoed  
Common, Longtown Vowchurch,  
South Herefordshire District,  
Hereford & Worcester

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DECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Ownership Section of Register Unit No CL. 56 in the Register of Common Land maintained by the Hereford and Worcester County Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 11 November 1976. At the hearing (1) Mrs C M Hunter on whose application the said Entry No 1 was made, was represented by Mr J P Morogh-Ryan, chartered surveyor of Knight Frank & Rutley, Chartered Surveyors of Hereford, and (2) Mr J I Rogers on whose application the said Entry No 2 was made, was represented by Mr W J H Davies solicitor of T Matthews & Co Solicitors of Hereford.

The land ("the Unit Land") in this Register Unit comprises three pieces known as "Upper Common", Middle Common", and "Lower Common", some smaller pieces, and a number of comparatively narrow strips which connect these pieces together. Each of the said Entries (both now provisional) relate to the whole of the Unit Land. There are 19 Entries in the Rights Section of rights of common over the Unit Land, and all these 19 Entries have become final.

Mr Morogh-Ryan and Mr Davies said that Mrs Hunter and Mr Rogers had agreed to resolve the conflict by dividing the ownership of the Unit Land between them in approximately equal parts in accordance with the plan ("the Agreed Plan") which they produced; the dividing line runs approximately from north northwest to south southeast through the centre point of Middle Common, the land west of the dividing line and coloured red on the Agreed Plan to be retained by Mrs Hunter, and the land east of the dividing line and coloured blue on the Agreed Plan to be retained by Mr Rogers.

If Mr Rogers had not applied for his registration, then that for which Mrs Hunter had applied would have become final by the operation of section 7 of the 1965 Act, and conversely. I conclude therefore that notwithstanding that I have no evidence of ownership, I can and should give effect to the Agreed Plan.

For these reasons I confirm Entry No 1 with the modification that such Entry shall apply only to the land coloured red on the Agreed Plan and I confirm Entry No 2 with the modification that such Entry shall apply only to the land coloured blue on the Agreed Plan, and I shall annex the Agreed Plan to the notice which I am by section 6(2) of the 1965 Act required to give to the County Council of any decision I may make as a Commons Commissioner.



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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 15<sup>th</sup> day of November \_\_\_\_\_ 1976

*a. a. Baden Fuller*

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Commons Commissioner