



COMMONS REGISTRATION ACT 1965

Reference No 15/U/47

In the Matter of Nicholas Common,
Winforton, Leominster District,
Hereford and Worcester

DECISION

This reference relates to the question of the ownership of land known as Nicholas Common (extending to about 10 acres), Winforton, Leominster District being the land comprised in the Land Section of Register Unit No CL. 24 in the Register of Common Land 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 19 July 1977. The hearing was attended (1) by Mr F T Stevens who is the son and successor in title of Mr R H Stevens on whose application Rights Section Entry No 1 was made; (2) by Mrs Allin widow and executor of Mr J V D Allin on whose application Rights Section Entry No 3 was made; (3) by Mr R Cameron as representing Duncan Cameron & Sons Ltd on whose application Rights Section Entry No 5 was made; and by Mr H Price-Lloyd on whose application Rights Section Entry Nos 6 and 7 were made.

In the Rights Section there are 8 Entries of Rights of Common being in all cases of rights to graze varying numbers of animals and including in 3 cases a right of estovers. Mr Stevens described the land as much in need of improvement, it being particularly important that something should be done to stop the cattle which grazed on the land getting out on the main Hereford-Carmarthen Road (A 438) which is a short distance south of the land; the drainage could be improved, and they are troubled with caravans being parked; he had no information of any value as to ownership. Mr Price-Lloyd said he did not know anyone who could be the owner. Mrs Allin said she believed that the Midland Electricity Board paid rent (four poles on the land) to some solicitors in London who are the executors of the late owner. Mr Cameron produced a copy of a letter dated 11 June 1968 written by solicitors on behalf of Rev E G Hobhouse to solicitors acting for his father about a proposed purchase by his father of "such rights as are still subsisting in respect of the Manor of Winforton" and saying that their client (Rev Hobhouse) was receiving rent from the Midland Electricity Board of £1-10-0 per annum for two cables over St Nicholas Common, but he had never had any details of the common lands, nor has he undertaken any responsibilities or exercised any privileges concerned with common rights, other than the receipt of the way leave rent; Mr Cameron said his father did not proceed with the purchase, because, so he understood, he was advised that the vendor had no manorial rights to sell.



In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 25th day of July —

1977

a. a. Baden Fuller

Commons Commissioner