



COMMONS REGISTRATION ACT 1965

Reference No. 15/U/43

In the Matter of Parsons Common, Hentland  
and Sellack, South Herefordshire D., Hereford and Worcester County

DECISION

This reference relates to the question of the ownership of land known as Parsons Common (extending to about  $1\frac{1}{2}$  acres), Hentland and Sellack, South Herefordshire District (formerly Ross and Whitchurch Rural District) being the land comprised in the Land Section of Register Unit No. CL.46 in the Register of Common Lane 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 Hentland Parochial Church Council (in a letter to the County Land Agent) claimed ownership of the land in question; no other person claimed to be the freehold owner of the land or 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 10 December 1974. At the hearing (1) Hentland Parochial Church Council, and (2) Hentland and Ballingham Group Parish Council were both represented by Mr. A.G. Baker who is clerk of both Councils.

The land ("the Unit Land") comprised in this Register Unit (I inspected it on 13 December) is a Y shaped piece adjoining the west, north and east walls of the grave yard of St. Dubricius's Church, Hentland. Apart from a bungalow on its west side and two reconditioned cottages a little to the north, the Unit Land and the Church are remotely situated, the only vehicular access being by a road (which stops at the Church) from Kynaston about a mile to the north. The west part and the part near the road of the Unit Land are grass; the remaining part (much the largest part) is rough scrub land with many trees, at a level below that of the walled in grave yard; in the middle of this part there is a spring (flowing plentifully when I was there), being the source of a stream which flows out at the north east corner of the Unit Land.

A right attached to Upper Pengethley Farm to graze 5 cows/5 sheep over the Unit Land is registered in the Rights Section of this Register Unit.

Mr. Baker, who first came to live in the Parish in 1912, when he was a boy aged 12, and has been churchwarden for over 30 years, in the course of his evidence said (in effect):- He and the other Church people had for all the 62 years he had known it, always regarded the Unit Land as Church land; it is and was known as "Parsons Common"; up to about 12 years ago (when the heating of the Church was modernised) the Sexton took wood off the Unit Land to fire the stoves in the Church; the Unit Land looks as if it belongs to the Church. It is separated from the surrounding pasture land (this belongs to the National Trust;



their tenant grazes the grass on the Unit Land) by a barbed wire fence. The Parish Council does not claim ownership.

On the evidence outlined above, and on what I saw on my inspection, I conclude that the Unit Land is Church land in the same way as is the Church and the surrounding walled in grave yard, and is therefore now vested in the Vicar (not in the Parochial Church Council as was suggested) as an ecclesiastical corporation sole to be held by him and his successors as part of the Church Yard of the Church. I am therefore satisfied that the Vicar is the owner of the land in this sense, and I shall accordingly direct the Hereford and Worcester County Council to register (in accordance with model entry No.12 in Schedule 2 of the Commons Registration General Regulations 1966) the Incumbent for the time being of the benefice of St. Dubricius, Hentland 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 or the High Court.

Dated this 20<sup>th</sup>

day of December 1974

a. a. Baden Fuller

Commons Commissioner