



## COMMONS REGISTRATION ACT 1965

Reference No.15/U/97

In the Matter of The Long Meadow,  
Brimfield, Leominster & Wigmore R.D.,  
Herefordshire

DECISION

This reference relates to the question of the ownership of land known as The Long Meadow, Brimfield, Leominster and Wigmore Rural District being the land comprised in the Land Section of Register Unit No.CL.217 in the Register of Common Land maintained by the Herefordshire 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 Mr. C. A. Bowkett claimed to be the freehold owner of the land in question and no other 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 12 December 1973. At the hearing Mr. Bowkett was represented by Mr. T. Halliwell solicitor employed by Beaumont Smith and Davies Solicitors of Leominster and Mr. F. T. Apperley (on his application a right of common has been registered in the Rights Section of this Register Unit as being attached to Church House Farm, Orleton together with Lower House Farm) was represented by Mr. J. Dolman solicitor of Wall James and Davies Solicitors of Stourbridge.

Mr. Bowkett in the course of his evidence produced, in order to establish his ownership of Lydiates Farm as successor in title of his father Mr. A. H. Bowkett (he died on 14 January 1959) ~~produced~~ the following documents of title:- (1) an indenture dated 21 October 1919 being a conveyance to his father; (2) a mortgage dated 24 June 1920 and made by his father and endorsed with a reconveyance dated 1 December 1922; (3) a mortgage dated 17 February 1925 and made by his father to the Public Works Loan Commissioners to secure an advance made by them under the Agricultural Credits Act 1923; (4) various documents relating to a second mortgage dated 1 February 1930 and a further charge dated 31 July 1931 made by his father including a receipt dated 26 January 1973 recording that the principal monies thereby secured with all interest and costs had been repaid by him (Mr. Bowkett) and (5) probate of the will of his father granted on 22 May 1959 and (6) a vesting assent dated 7 May 1960 and made in his favour.

The land ("the Unit Land") comprised in this Register Unit extends (according to the Register) to about  $6\frac{1}{4}$  acres and comprises O.S. Nos.221, 222 and 223. Mr. Bowkett said that the Unit Land has always been part of Lydiates Farm. The 1919 indenture shows it as such; the land thereby conveyed comprised Woofferton Grange land and premises 7a or 1p, Lydiates Farm 122 a 1 r 37p and Ash plantation 1a Or 3p; the Unit Land is in the Schedule included in Lydiates Farm (as being then in the occupation of the Purchaser) being described as O.S. Nos.221, 222 and 223 "pasture land" and without any indication that it is in any way distinct from the many other pieces of pasture land thereby conveyed.



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Mr. Bowkett said that his father sold Woofferton Grange soon after he bought it, that it was used as a school, that the school was discontinued and his father then repurchased Woofferton Grange, so that he now owned all the land conveyed by the 1919 indenture; his father until he repurchased Woofferton Grange lived in a house which is nearby on Lydiates Farm land.

So far as the lands dealt with by the other documents of title produced by Mr. Bowkett were described, the description of the Unit Land was throughout in every relevant way the same as that in the 1919 indenture.

The registration was made by the County Council as registration authority without application. Miss S Hubbard who is senior assistant to the County Archivist explained that in the Parish Tithe Award and map, the Unit Land is shown as common meadow held in strips (alternate more or less) for Lydiates Farm and Wyson Farm.

Mr. Bowkett said that in his time (he is 68 years old) the Unit Land had never been in strips, and that he and his father before him had grazed the Unit Land with cattle (also sheep) as part of the Lydiates Farm. The Unit Land is bounded on the east by the bed (now mostly grass) of the now disused Leominster Canal; the site of the Canal where it passes through Lydiates Farm is now included in the Farm. Mr. Bowkett could not understand how Mr. Apperly could have a right of common over the Unit Land.

Mr. Dolman said that Mr. Apperly did not dispute the ownership claim of Mr. Bowkett.

On the evidence outlined above, I am satisfied that Mr. Bowkett is the owner of the land, and I shall accordingly direct the Herefordshire County Council, as registration authority, to register Mr. Cyril Albert Bowkett of Woofferton Grange, Brimfield, Ludlow South 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 . 20<sup>th</sup> day of December 1973.

A. A. Baden Fuller

Commons Commissioner