



COMMONS REGISTRATION ACT 1965

Reference No. 215/D/124

In the Matter of the Recreation Allotment,
Longdon, Malvern Hills District,
Hereford & Worcester.

DECISION.

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. VG.51 in the Register of Town or Village Greens maintained by the Hereford and Worcester County Council and is occasioned by Objection No. 94 made by Mr. W.A. Watkins and noted in the Register on 14th August 1972.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 1 July 1975. The hearing was not attended by any person.

The registration was made pursuant to an application made by the Commons, Open Spaces and Footpaths Preservation Society. The grounds stated in the Objection are:- "I am objecting to the Land in question because, when I bought the Land off Mr. C.L. Cox, The Laurels, Longdon, in 1948, he explained to me that the field used to be a recreation field, but that it had not been used for at least 50 years or even longer. During the last war he was asked by the War Agricultural Committee to plough the land, which he had done also taking out 2 hedges to make it bigger and easier to work, so it is now all one field with the old recreation area in the middle".

In a letter dated 24 June 1975 to the Clerk of the Commons Commissioners, R. & C.B. Masefield, Solicitors of Ledbury said on behalf of Mr. Watkins that he wished to withdraw his objection and for the registration to be confirmed. In a letter to the Clerk of the Commons Commissioners dated 27 June 1975, Bircham & Co. Solicitors of Westminster, S.W.1 on behalf of the Society said (in effect): that the basis of their application was a declaration referring to parcel 59 in the Longdon Common Marshes Inclosure Award dated 1 October 1872.

The award (a copy of which was sent with the letter of 27 June 1975) contained a declaration as follows:- "And I declare that I do hereby...allot unto Edward Gresley Stone All that piece...of land numbered 59 on the same map containing two acres to be held by him, his heirs and assigns subject to the obligation of preserving the surface thereof in good condition and of permitting the same to be at all times used as a place for Exercise and Recreation by the inhabitants of the said parish and neighbourhood and I direct that the fences on the North and against allotment numbered 60 shall from time to time be repaired and maintained by and at the expense of the said Edward Gresley Stone or the owner for the time being". The award map shows the parcel numbered 59 as the same as that comprised in this Register Unit, and the allotment numbered 60 as a strip on the west side of it between it and the stream (Longdon Brook).



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After the hearing I inspected the land. From Longdon, there is a track (bridle path, no through road) along which a motorcar, not very conveniently, may be driven to about 300 yards from the land. The "Occupation Road" allotted by the Award is a grassy lane leading to a bridge over the Brook and beyond ~~which~~ ^{that} it is much overgrown (as far as I could see practically impassable even for a pedestrian). I am not surprised by the information given by Mr. Watkins in his objection. From the appearance of the land, I infer that it is now not used, and is unlikely in the foreseeable future ever to be used for recreation purposes.

Nevertheless, the land might be used at some time for recreational purposes, and, because the registration is in the circumstances above stated legally and historically correct, I confirm (as I think I must) this registration without any modification.

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 23rd — day of July — 1975

a. a. Baden Fuller

Commons Commissioner.