



COMMONS REGISTRATION ACT 1965

Reference No.15/U/31

In the Matter of the village green,
Woolhope, Ledbury R.D., Herefordshire

DECISION

This reference relates to the question of the ownership of land known as the village green, Woolhope, Ledbury Rural District being the land comprised in the Land Section of Register Unit No.VG.22 in the Register of Town or Village Greens 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 Woolhope Parish Council 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 Woolhope Parish Council were represented by Mr. R. S. Tooby their chairman.

Mrs. R. E. Brown who is now and has been since 1965 clerk of the Parish Council and who has lived in the Parish since 1963, gave evidence. The land ("the Unit Land") comprised in this Register Unit is a small triangular piece (with sides, as I scale the Register map, between 50 and 65 feet long) in front of the Post Office in or near the centre of the Village and on the east side of the junction of the roads which lead to Ledbury, Checkley and Fownhope.

The Unit Land is open to and apart from a stone curb not separated from the roadway on the west and north; it is separated from orchard land on the east by a stone wall and gate; in the centre, there is an oak tree with a plaque: "This oak tree was planted to commemorate the end of the 1914-18 war"; apart from a small part on the north (an access vehicular track to the gate leading into the orchard land) and the tree, it is a grass lawn; altogether the Unit Land is an attractive amenity for the Village. Before 1965, there was no such wall or gate, and what is now lawn was rough bushy land, separated from the roadside verge by a hedge (in the middle of which stood the oak tree). In 1965 Mr. A. H. Thompson (a member of the Parish Council) mentioned to the Council that he wished to give a small area at the west end of the orchard land, to the Village and to pay the expense of laying it out and tidying it up. The orchard land was then occupied with the near by public house (the Crown Inn). On 26 January 1966, there was a meeting on the site between Mr. Caldwell representing West Country Breweries Limited ("the Company") and the chairman, another councillor and the clerk (Mrs. Brown) of the Parish Council; the Company wrote to the Parish Council a letter (produced by Mrs. Brown) dated 15 March 1966



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referring to the site meeting and saying (in effect) that the Board was prepared, subject to contract to dedicate the piece of land approximately 0.0061 acres, subject to the Parish Council resiting the field gate and the near by fencing and paying the legal costs.

Mr. Thompson soon afterwards arranged for works to be done at his own expense; the old hedge was removed, the new wall and the new gate and the above mentioned plaque were erected, and the land (apart from the access track on the north part) was converted into a lawn as it now is. However the legal formalities were (for reasons mentioned by Mrs. Brown) delayed; ultimately by a conveyance (produced by Mrs. Brown) dated 13 February 1973 (executed by the Parish Council in 1971), after reciting in effect that the Company was desirous of conveying by way of gift the Unit Land in trust for the perpetual use thereof by the public pursuant to the provisions of the Open Spaces Act 1906, it was witnessed that the Company conveyed the same to the Parish Council in fee simple. Mrs. Brown produced a 1967 abstract of title by which, commencing with an indenture on sale dated March 1925, the title of the Company to the Crown Inn (including the Unit Land) was regularly deduced.

On the evidence outlined above, I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Herefordshire County Council, as registration authority, to register Woolhope Parish Council as the owners 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 20th day of December 1973.

A. A. Baden Fuller

Commons Commissioner