



COMMONS REGISTRATION ACT 1965

Reference No 15/U/55

In the Matter of Welsh Newton Common,  
Welsh Newton, South Hereford District,  
Hereford and Worcester

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### DECISION

This reference relates to the question of the ownership of land known as Welsh Newton Common, Welsh Newton, South Hereford District being the land comprised in the Land Section of Register Unit No CL. 54 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 Viscountess De L'Isle (by her agents R H & R W Clutton) claimed to be the Lord of the Manor of this land. No other person claimed to be the freehold owner of the land in question 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 11 November 1976. At the hearing: (1) Rt Hon Viscountess Margaret Eldrydd De L'Isle was represented by Mr T J B Hutchings chartered surveyor of R H & R W Clutton, Agents for the Glanusk Park Estate and (2) Welsh Newton and Llanrothal Group Parish Council were represented by Mr A S Wright Hon Adviser to the Hereford and Worcester Association of Local Councils.

The land ("the Unit Land") in this Register Unit (according to the Register) extends to about 15½ acres and comprises 5 irregularly shaped pieces containing 9.575 acres, 2.409 acres, 1.014 acres, 0.608 acres and 0.350 acres, and some comparatively narrow connecting strips of land. The Unit Land surrounds or adjoins a number of dwelling houses and gardens which together make up the inhabited area which is known as Welsh Newton Common, and which is situated at or near the end of a road leading off the side road between Welsh Newton and Llangarron.

Mr Hutchings who has acted as agent for Lady De L'Isle since 1970, in the course of his evidence produced: (1) printed (folio size) Particulars of Pembridge Castle Estate comprising about 2,480 acres offered for sale by auction on 2 August 1906; and (2) a copy of a vesting assent dated 2 November 1953 by the personal representative of W R 3rd Baron Glanusk (he died 12 January 1948) in favour of Lady De L'Isle (then M E Baroness Glanusk; she remarried in 1966).

Mr Hutchings said that he had obtained the 1906 Particulars from Mr Cotton (who later gave evidence) and the 1953 copy assent from Vizard & Son, the solicitors of Lady De L'Isle.

Mr E W Wilkes who has lived in Welsh Newton Common for 54 years (he is now 57 years old) and has been a member of the Parish Council and of the District Council since 1974 in the course of his evidence said (in effect):- The only repairs done to the



Unit Land had been done by the local council (Ross & Whitchurch Rural District Council). About 5 years ago a person who built a bungalow near the Unit Land (on OS No 282) asked the Parish Meeting for permission to use part of the Unit Land for access, and on this being referred to the Parish Meeting nobody raised any objection. He had frequently attended Parish Meetings and one of the main subjects discussed was the Unit Land.

Mr G Davies who has lived in the Parish for 56 years (he is now 58 years old) and has been chairman of the Parish Council since 1974, in the course of his evidence said (in effect):- All the things that have been done to the Unit Land have been done by the local authority; for example, they have kept up the wells and the stiles. All the time he had lived there, he had never heard anything about ownership at all.

Mr E J Cotton who had lived in Welsh Newton since February 1918 (he is now 67 years old), and who was clerk of the Parish Meeting from about 1963 up to 1972, in the course of his evidence said (in effect):- His first recollection of the Unit Land included a notice board erected near where the public road first crosses the Unit Land; the wording was as he remembered it: "No Gypsies: No Caravaners or Followers. By Order Lord Glanusk; Lord of the Manor. 1910".

Mr Hutchings said that he based Lady De L'Isle's claim on the 1906 Particulars, the 1910 notice board and the 1953 assent. The 1906 Particulars named Lord Glanusk as vendor; Lot 25 is described as "...three...farms Treworgan, Gwenherrion and Newton...also the residence known as Pembridge House...together with the Advowsons ...and also the Manor of Welsh Newton with privileges and appurtenances comprising in all 1,018 acres 3 roods 17 perches..."; the description of this lot takes up in all pages 24 to 32 of the Particulars. There is with the Particulars a plan of lots 4 to 17; this plan shows all these lots around or near the south half of the Unit Land; on it parts of the Unit Land are marked as "Common"; but on this plan no part of the Unit Land is coloured as being part of any lot, and lot 25 does not appear anywhere (being I suppose somewhere off the plan to the northeast). It apparently never occurred to the person preparing the Particulars that the Unit Land was part of lot 25. There is nothing in the Particulars to suggest that any part of the Unit Land was then part of or reputed to be part of the Manor of Welsh Newton. In my opinion the Particulars provide no evidence of Lord Glanusk's ownership of the Unit Land in 1906. The 1953 vesting assent comprises property described in the Schedule thereto; Part I is a description of numerous properties in Breconshire, Part II is headed "fishing rights", being rights in the County of Brecon and in Blaencwm reservoir and Part III is headed "manorial rights" being rights of the Lords of the Manors therein named as being in the Counties of Brecon and Radnor. There is no mention in the vesting assent either expressly or by implication of the Manor of Welsh Newton or of the Unit Land. In my opinion the vesting assent provides no evidence of the ownership of Lady De L'Isle of the Unit Land.

Mr Hutchings suggested that the absence of any mention of the Manor in the 1953 vesting assent was "a conveyancing mistake" but I have no evidence of any such mistake. I was not persuaded by Mr Cotton's description of what he remembered of the 1910 notice that I could from it properly conclude that Lord Glanusk was in 1910 the owner of the Unit Land; further I had no evidence that any such ownership had passed to Lady De L'Isle. Mr Hutchings did not suggest that either she or



Lord Glanusk had (apart from the 1910 notice) ever done anything to or on the Unit Land. For the above reasons I am not satisfied that she is now the owner of the Unit Land.

In the course of the hearing there was some discussion as to whether the Parish Meeting and the Parish Council as their successors had acquired a possessory title to the Unit Land by reason of the interest taken in it by the Parish Meeting and particularly by the access to the new bungalow on OS 282 having been considered by them. In my opinion the things so done by the Parish Meeting were not sufficiently related to the Unit Land for it to amount to a taking of possession of the Unit Land by the Parish Meeting. For these reasons I am not satisfied that the Parish Council are the owners of the Unit Land.

It is not suggested that anyone other than Lady De L'Isle and the Parish Council could be the owner, and accordingly I am not satisfied that any person is the owner of the Unit 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 18th — day of November — 1976

A. A. Barker Fuller

Commons Commissioner