



In the Matter of Woodcote Green Recreation
Allotment, Dodford with Grafton, Hereford and
Worcester

DECISION

This reference relates to the question of the ownership of land known as Woodcote Green Recreation Allotment, Dodford with Grafton, being the land comprised in the Land Section of Register Unit No. VG 55 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

Mr Commissioner Hesketh held a hearing for the purpose of inquiring into the question of the ownership of the land at Worcester on 25 May 1983.

There was no appearance at the hearing, so the learned Commissioner decided to direct the County Council, as registration authority, to register the Dodford with Grafton Parish Council as the owner of the land under section 8(3) of the Act of 1965.

On the application of Solicitors acting for Valid Farms Ltd, I decided to reopen the hearing.

I reopened the hearing at Worcester on 1 February 1984. On this occasion the Hereford and Worcester County Council was represented by Mr L Martin, Solicitor, the Dodford with Grafton Parish Council by Mr G Long, one of its members, and Valid Farms Ltd by Mr J Randall of Counsel.

The history of the land the subject of the reference can be traced back to the Earl of Shrewsbury's Estate Act of 1720 (6 Geo. I, c.29 (private)). It was allotted by the Bromsgrove and Upton Warren Inclosure Award, made 6 July 1855 under the Annual Inclosure Act 1852, to the then Earl of Shrewsbury, his heirs and assigns in trust as a place of exercise and recreation for the inhabitants of the parishes of Bromsgrove and Upton Warren and neighbourhood. It remained in the ownership of successive Earls of Shrewsbury until it was included in a Conveyance to the late Mr G H Lovatt by an indenture made 23 July 1919 between (1) Charles Henry John, Earl of Shrewsbury (2) Richard Arthur, Duke of Westminster and Charles Henry Alexander Paget, Marquess of Anglesey (3) William Atkins and Robert Harold Mayhew (4) George Henry Lovatt. Mr Lovatt died on 26 May 1932, and by a vesting assent made 7 March 1933 Rowland Griffiths Lovatt and Walford Edwin Lovatt, his personal representatives, assented to the vesting of the land in question in Mr R G Lovatt. Mr R G Lovatt died on 10 April 1950 and his personal representatives conveyed the land to Mr and Mrs C E Johnson by a Conveyance made 12 September 1950 between (1) Walford Griffiths Lovatt, John Albert Skidmore and Geoffrey Martin King (2) Charles Edward Johnson and Annie Emma Johnson. The land was further conveyed by a Conveyance made 29 October 1964 between (1) A E Johnson (2) Frederick Norman Thomas Turbutt and Gertrude Turbutt and finally by a Conveyance made 29 September 1965 between (1) F N T Turbutt and G Turbutt (2) Valid Farms Ltd.



On this evidence I am satisfied that Valid Farms Ltd is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register that company 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

6th

day of

February

1984

CHIEF COMMONS COMMISSIONER