



COMMONS REGISTRATION ACT 1965

Reference No 15/U/75

In the Matter of New House Patch,
Dorstone, South Herefordshire D

DECISION

This reference relates to the question of the ownership of land known as New House Patch, Dorstone, South Herefordshire D being the land comprised in the Land Section of Register Unit No CL. 166 in the Register of Common Land maintained by the former 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 I D S Jones 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 11 May 1977.

Mr Cameron of Messrs G Williams & Co appeared for Mr I D S Jones.

Mr Jones gave evidence that he had lived at Dorstone for 36 years. His father was the tenant of Brynefeard Farm which adjoins the land in question and purchased that farm in 1970. Over this period of 36 years he and his father before him have used the land as part of the said farm, grazing sheep on it and cutting brushwood. No one else he said had ever used it and he was not aware of any person claiming ownership. The land in question comprised a little over two acres. It came as a surprise to him to learn that Mr Greenaway had registered a claim to grazing rights on the land and that Mr Greenaway's Entry in the Rights Section of the Register was now final. He said he had never seen Mr Greenaway grazing any animals on the land though his animals strayed from "Lands End to John o Groats" and probably did on occasions stray on to this land. Mr Dillon aged 35 who has lived at Dorstone all his life gave evidence confirming Mr Jones' evidence. Faced as I am with conclusive evidence that Mr Greenaway has grazing rights for 60 sheep, and 10 cattle or six horses on the land and that the land is commonland, I am satisfied that Mr Jones had never had exclusive possession and occupation of the land. His grazing and cutting of brushwood are qually consistent with the exercise of rights of common, which he has unfortunately failed to register, as with ownership.

On this evidence I am not satisfied that any person is the owner of the 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 1st day of July 1977

J. A. LeHle.

Commons Commissioner