



COMMONS REGISTRATION ACT 1965

Reference No. 215/D/122

215/D/123

In the Matter of The Green, Martin Hussingtree,
Wychavon District, Hereford & Worcester.

DECISION.

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No. CL.111 in the Register of Common Land maintained by the Hereford and Worcester County Council and the registration at Entry No.1 in the Land Section of Register Unit No. VG.33 in the Register of Town or Village Greens maintained by the Council and are occasioned by the said registrations being conflicting.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 3 July 1975. At the hearing Mrs. Bessie Kathleen Harris of Tythe Barn Cottage, Martin Hussingtree, Mr. Cyril Peter Harris of 11 Newhall Street, Birmingham and Mr. Richard Leslie Harris also of 11 Newhall Street, Birmingham were all represented by Mr. P. Marsh, solicitor of Russell, Livingston, Wood & Co., Solicitors of Great Malvern.

Mr. Marsh said that his clients are the executors of Mr. Peter Harris pursuant to whose application the said CL.111 Entry was made; in the Ownership Section of Register Unit CL.111, Mr. Peter Harris is registered as the owner of all the land. The said VG.33 registration was made pursuant to an application by Droitwich Rural District Council; the Ownership Section of Register Unit VG.33 is blank. The Rights Sections of both Register Units are also blank. In a letter dated 2 July 1975 the Solicitor to the Wychavon District Council said that at a meeting of the Programming and Co-ordination Committee of the Council on 20 June 1975, it was resolved that in respect these references, the Council should not pursue the provisional application for registration of a Village Green, and that the Council is content for the area to be registered as Common land.

The July letter seems to indicate that the Committee mentioned in it (or at least the writer of the letter) thought that the area comprised in Register Unit No. CL.111 is the same as that comprised in Register Unit No. VG.33. In fact the V.G. land is much larger; it comprises three pieces; a triangular piece (the Main Piece) a little over 2 acres of open grass land with some trees (on the Register map called "THE GREEN") at the southeast of the junction of the side road B 4084 from Martin Hussingtree to Evesham with the trunk road A38 between Worcester and Droitwich; a piece ("the Pond Piece") on the opposite side of the B4084 road and some surrounding land with trees and scrub; and a piece ("the Swan Inn Piece") between the junction point and the grounds of the Swan Inn. The land in the CL registration comprises two strips; a strip along the north and north east side of the Main Piece and south of the junction point, and a strip north of the junction point between the A 38 road and the Swan Inn, being the greater part of the Swan Inn Piece. The land in the CL registration does not include any of the Pond Piece.



During an adjournment, Mr. Marsh as a result of a telephone conversation verified that some at least of those concerned with the July letter had thought that both registrations comprised the same area. Mr. Marsh said that Mr. Harris owned not only the land comprised in the CL Registration, but also all the VG land, but that nevertheless his clients would be content if I confirmed the CL registration and as regards the VG registration merely excluded the land in the CL registration.

I conclude that the July letter at least means that the Council do not wish to contest the CL registration with the successors in title of Mr. Harris. But I also conclude that the letter should not be read as meaning more than this; under a VG registration relating to the remainder of the land, the public might derive some benefit, and I cannot presume that the Council intended to give up this benefit without some reason; I was told of none, and none occurred to me when I walked over the land.

For these reasons I confirm the CL registration without any modification, and I confirm the VG registration with the modification that there be removed from the Registration the land comprised in the Land Section of Register Unit No. CL.111.

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 10th — day of July — 1975.

a. a. Baden Fuller

Commons Commissioner.