



Reference No. 239/U/117

In the Matter of The Green,
Sawbridge, Wolfhampcote,
Rugby Borough, Warwickshire

DECISION

This reference relates to the question of the ownership of land known as The Green, Sawbridge, Wolfhampcote, Rugby Borough being the land comprised in the Land Section of Register Unit No. VG119 in the Register of Town or Village Greens maintained by the Warwickshire 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 (a) Mr P Cleaver of Elmdene, Leam Farm, Sawbridge in his letter dated 5.2.88 said (among other things):-

... The last person to "own" VG119, Sawbridge Green was _____
Miss Hanna Elizabeth Gilks, who was a local farmer until her death on 23 March 1980. However during her later years she came to realise that that piece of land could not actually be used in any real sense for stock-farming which she practised, unless it was fenced in properly, but to do this, all the drive-ways to the houses on the lower side of The Green would have to be fenced securely as well, this idea proved to her far too costly in reality, so the only other alternative that she really had that she could do with it was to "give it to the residents of Sawbridge" as a village green. This she did ... Both my father, mother and myself included, feel that the Parish Council are the best group to hold ownership of this Village Green, and to take responsibility for its upkeep ...

(b) Mrs V Adkins as Clerk of Wolfhampcote Parish Council (including Flecknoe & Sawbridge) in her letter dated 11 February 1988 said (among other things):-

The above Parish Council believes Sawbridge Green was given to the people of Sawbridge ... Please see enclosed copies taken from Parish Council minutes. The owner in 1969 was Miss Gilks who generously gave it to the public and in 1970 wrote, "I am very pleased that The Green at Sawbridge has been registered as a village green. It has given me great pleasure to give up my claim on it. I hope it will be kept as a village green and enjoyed for many years."
The Green has indeed been cared for by the Parish Council ...

(c) Solicitors for Mrs M Griffiths of The Farm Sawbridge in their letter dated 23 February 1988 said (among other things):-

... Our client makes no claim to ownership of The Green ... Our client has lived at the Farm, Sawbridge approximately 40 years, and throughout that period until his death her father used to mow The Green and bale the hay and the owners of the other houses abutting The Green shared the bales. Mr Reynolds of Manor Farm now mows The Green and has the bales. Our client Mrs Griffiths, kept free-range chickens on that part of The Green fronting OS4191 for many years until about ten or twelve years ago. Chickens are still kept on the land by Mr and Mrs Gale who live in other property abutting The Green"



and (d) Solicitors for Mrs Pettifer with their letter dated 8 April 1988 enclosed a plan of the piece of land owned by their client (abutting on the east side of The Green). No person 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 Warwick on 18 May 1988. At the hearing (1) the said Mr P Cleaver, (2) the said Mrs E Pettifer of 4 College Road, Willoughby, (3) Mr F B Campion and Mrs E Campion of Green Farm, Sawbridge and (4) Mr D Williams and Mrs H S Williams of Whiteacres, Sawbridge all attended in person, and (5) Warwickshire County Council as registration authority were represented by Miss P Roddies, legal executive in the County Solicitors' Department.

The land ("the Unit Land") in this Register Unit is a strip from north to south about 450 yards long and having a width varying between about 30 yards and about 5 yards. It is bounded on the west by the road (public fit for motor traffic) through the Village on the other side of which there is a hedge. It is bounded on the east by enclosed lands for the most part held with dwelling houses. The registration as originally made on the application and Wolfhampcote Parish Council, included a strip about 100 yards long adjoining the south end of the Unit Lane. This was removed from the Register following a Commons Commissioner's decision dated 18 August 1982 (239/D/17-18).

The copies of minutes enclosed with Mrs Adkins' letter of 11 February 1988 are summarized in Part I of the Schedule hereto.

At the hearing Mr Cleaver amplified his letter of 5.2.88 saying that he thought the last person that possibly owned Unit Land was Colonel Aikman. Mrs Pettifer about her Solicitor's letter dated April 1988 said that the plan he enclosed did not show that the building she owned had a right-of-way across the Unit Land.

Mr Williams in the course of the oral statement he made at the hearing produced the 192 sale particulars specified in Part II of the Schedule hereto, and said (in effect):- From the searches he had made he could not prove that Miss Gilks actually owned the Unit Land as it certainly was not sold as part of what Colonel Aikman sold in October 1925.* Lot 3 being Sawbridge Farm was at the sale bought by Mr Gilks (the tenant) and from him it passed to his daughter Miss H E Gilks. On her death on 23 March 1980 the Farm was split up; the Farmhouse together with the field on the west side of the hedge above mentioned, was by her will left to Mr Leslie Griffiths who died 3 May 1982 and was the father of Mrs H S Williams (present at the hearing in person); his widow is still alive and lives at the Farmhouse. So his conclusion that Miss Gilks did not ever own the Unit Land although she did own the field, which field was called "The Green" and had been so known to Mrs Williams (and himself) for the last 40 years.

Mr Cleaver said he, although his memory did not go back 40 years, agreed with Mr Williams.

*He had seen a copy of the Particulars Map which the Parish Council now have.



Mr Campion said that there is now an iron railing on the opposite side of the road by Green Farm (south of the Unit Land) which extends to the south end of the hedge mentioned by Mr Williams. This railing so he Mr Campion understood from his elder brother although he himself was too young to remember, ~~was~~ put up in 1920 and it may be the hedge planted at the same time, (its present appearance, a Hawthorn with little else and straight, is consistent with its being so planted); so it may be that before 1920 the field known by Mr and Mrs Williams as "The Green" and the Unit Land were all one piece of land not apparently separated from each other.

After the hearing I inspected the Unit Land. To see it is a pleasure, and it is obviously an amenity for those who live near it and any others who have occasion to visit the Village.

All at the hearing favoured the Parish Council becoming the owner. For this section 8(3) of the Commons Registration Act expressly so provides. Although I have some evidence that the Parish Council have been caring for the Unit Land, having regard to the information given to me by Mr Williams I am not satisfied that they have become owners by possession. In the absence of any evidence that any other person could be the owner I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register Wolfhampcote Parish Council as the owner of the land under section 8(3) 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.

SCHEDULE

Part I: Wolfhampcote Parish Council Minutes

- 27 June 1967 Present: Messrs Leslie Griffith of Sawbridge ... Mr Griffiths thought that the Sawbridge Green /... should be registered ... professional advice.
- 1 April 1968 ... the ditch by The Green had been cleaned ...
- 16 December 1969 The Clerk reported that the Village Green had been registered ... the Clerk was asked to write to Miss Gilks, who owned The Green, expressing the Council's appreciation of her generosity in giving it to the public.
- 24 March 1970 The following letter had been received from Miss Gilks dated Jan 5th 1970 ... (as quoted by Mrs V Adkins in her letter, see above).



Part II: 1925 Sale Particulars

28 October 1925. Sale by auction of the Gainsborough Estate by direction of Colonel T S G H Robertson-Aikman, CB, JP, DL, of several excellent dairy and stock raising farms and, smallholdings, accommodation land, licensed premises and cottages etc; nearly 1,250 acres with rent role of £2,468 per annum.

Lot 3, Sawbridge Farm, area 210 acres; at present let to Mr Ernest Gilks at a rental of £345 per annum.

Dated this 1st

day of July 1925

A. A. Baden Fuller

Commons Commissioner