



COMMONS REGISTRATION ACT 1965

Reference No. 272/R/6

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of land at Riverside forming part of the
Village Green, Camrose

DECISION

REFERENCE

This reference relates to an Objection under the Common Land (Rectification of Registers) Act, 1989 to the registration of part of the land registered at Entry No.1 in the Land Section of Register Unit No. VG.31 in the Register of Village Greens maintained by the Dyfed County Council.

NOTICE OF OBJECTION

The reference is occasioned by a Notice of Objection dated 11th July 1992 made by Leslie Kenneth Cullen and Yvonne Gwenda Cullen numbered 7 and referred to a Commons Commissioner on 30th September 1992.

OBJECTION LAND

The land to which the Objection relates consists of the part of the Register Unit coloured green on the plan attached to the Objection ("the Objection Land").

ENTRIES ON REGISTER

The land was registered as village green upon the application of Pembrokeshire Association of Parish Councils. The registration being undisputed became final on 1st August 1973. There are no entries in the Rights Section of the Register.

In the Ownership Section of the Register Camrose Community Council was registered as owner of the whole of the land comprised in the Register Unit after a Decision of a Commons Commissioner dated 2nd August 1984.

DECLARATION IN SUPPORT

A Statutory Declaration in support of the Objection was made by William John Vaughan on 14th July 1992.

WRITTEN REPRESENTATIONS

Written representations opposing the Objection were received by the Commons Commissioners from:

- (1) R Warlow
- (2) Joyce and Ian Mathias
- (3) N Bowen
- (4) W Hancock



- (5) P M Mathias
- (6) Graham Hay
- (7) John Evans
- (8) Camrose Community Council
- (9) David Adams

HEARING AND SITE VISIT

I held a hearing to inquire into the matter at Fishguard on 22nd September 1993 and I made an inspection of the site on the afternoon of the same day.

ATTENDANCE AT HEARING

The hearing was attended by Mr W Lewis Registration Officer of Dyfed County Council Mr W D Hill of Price & Son, Solicitors of Haverfordwest representing Mrs Y G Cullen, Mrs Cullen in person, Mr Dilwyn Phillips (Chairman), Mrs Fisher, Mr William Hancock and Mr Graham Hay all of Camrose Community Council, Mr T Bryant, Mr P Mathias, Miss Heather Ann Vaughan, Mr Charles Rees and Mr John Beavan.

DEATH OF MR CULLEN

One of the Objectors, Mr Leslie Kenneth Cullen, died in May 1993. The Objection was carried on by the surviving Objector, his Widow, Mrs Cullen.

DESCRIPTION OF REGISTER UNIT

The land comprised in Register Unit VG.31 is several acres in extent. It is bounded to the south by the disused mill stream, which is only partially filled with water. The easterly part of the Register Unit includes the bed of the main Camrose Brook, which flows at its eastern end under the recently re-constructed highway bridge. The Mill itself to the south of the Objection land is derelict. The Register Unit is in a neglected state and in most places densely overgrown. There was no evidence before me that the land has ever been used for "lawful sports and pastimes", so as to justify its registration as a village green. There was however some evidence of fishing from the bank of the stream.

ACCESS

Access to the Register Unit is confined to two places:-

- (1) To the North, from the track leading past the Vicarage;
- (2) To the East, from the highway across the land between Riverside and the Stream (i.e. across the Objection land).

I was told that (for some reason not explained to me) access from the North had been blocked up, so that the only remaining access was via the Objection land. In rebuilding the highway bridge the County Council have recently constructed a substantial wall extending from the bridge to the southern frontage of the house, Riverside, leaving only a gate-way a few yards from the wall of the house for access thereto. At the moment the only means of access to the Register Unit is through this gateway.



TITLE DEEDS

Mr Hill produced the following title deeds in respect of Riverside, formerly known as Mill House:-

- (i) Conveyance 20th February 1961 between Charles Lewis William Allen Penn (1) Edward George Trant and Rachael Edith Davies (2) and David Bevans and Dorothy Hannah Bevans(3)
- (ii) Conveyance 26th February 1976 between Dorothy Hannah Bevans (1) and Leslie Kenneth Cullen (2)

Each of these conveyances bears a plan on which the land thereby conveyed is for purposes of identification shown coloured pink. In neither case is the Objection land included in the land coloured pink on the plan. It follows that whatever interest Mr Cullen had in the land was of a possessory nature only.

ORAL EVIDENCE

Mr Hill called the following persons who gave evidence before me:-

- (1) Mrs Cullen
- (2) John Beavan
- (3) Heather Ann Vaughan

MR W J VAUGHAN

William John Vaughan whose Statutory Declaration dated 14th July 1992 was made in support of the Objection died on 14th May 1992. Mr Hill produced a Death Certificate. He was, I was told, the son-in-law of Captain Charles Lewis William Allen Penn, the Vendor under the Conveyance of 1961. Miss Heather Ann Vaughan is his daughter.

MR VAUGHAN'S EVIDENCE

In his Statutory Declaration William John Vaughan declared that he was born in 1921, and had known the Riverside property for over 60 years. Mr Vaughan declared, among other things, as follows:-

- (1) When he was a boy, John Warlow occupied the property
- (2) As a child he visited the house regularly. He always considered that the Objection land was part of the property
- (3) Whenever he wanted to wash his tractor in the stream, he asked Mr Warlow's permission
- (4) When Riverside was occupied by Mr & Mrs Bevans for 15 years from 1961 he continued to consider that the Objection land was part of the property and occupied by them as such.
- (5) The Bevans kept poultry in a poultry house situate on the Objection land
- (6) He recollected a fence enclosing the western boundary of the Objection land during the Bevans' occupation which might well have been there during Mr Warlow's occupation

MR JOHN BEAVAN'S EVIDENCE

Mr Beavan said that he was born in 1915. He moved to Camrose when 9 years of age. He was at school in Camrose.



John Warlow occupied Riverside. He was a carpenter and undertaker. He often passed the house, walking and later cycling, and had conversations with Mr Warlow. The Objection land was part of the dwellinghouse garden, with long grass, shrubs and flowers. There were two clumps of pampass, one third of the way from the cottage to the river. There was a pig in a pig-stye and poultry wandered about, both before and after 1945. After the War he had a teaching post 4 miles south of Camrose. His Wife was a district nurse, and once he accompanied her to Riverside. From time to time he saw Mr Warlow working by the roadside. After Mr Warlow died in 1960 the garden area remained the same. He knew Mr Bevans, whose son had been in the same class with him at School. He understood the Bevans occupied the Objection land as part of the premises. The standard was not quite up to Mr Warlow's. It was definitely part of the garden. There were poultry on the western side of the house, with a low hedge or fence to keep them out of the fruit garden. The poultry went down to the river.

MISS VAUGHAN'S EVIDENCE

Miss Vaughan said she was born in 1951 and had lived in Camrose all her life. She remembered Mr Bevans at Riverside. There was grass between the house and the river. She remembered dahlias and pampassgrass - half way from the house to the river. There was a hen-house. She thought Bevans owned the land to the river.

MRS CULLEN'S EVIDENCE

Mrs Cullen said she had lived at the property since 1976. The buildings were renovated in 1980, and for a time she and her husband lived in a caravan in the garden. When they acquired the property the Objection land was a grass area bordered by shrubs and flowers. There was a chicken wire fence and some zinc sheeting. The shrubs and flowers extended to the road. To the south-west of the house there was no formal boundary - just a stack of ammunition boxes. She did not recollect having seen the plan on the Conveyance to her husband. (It was not executed by Mr Cullen). They were told it was half an acre of ground. They only became aware of the Village Green registration in 1991. They kept the grass area cut. Once a lady walked along the bank, collecting stones. One gentleman and some children occasionally fished in the river. They didn't object.

POSTPONEMENT OF DECISION

At the conclusion of my site visit, discussions took place between Mr Hill on behalf of Mrs Cullen and the various members present of Camrose Community Council. The practical problem facing the Council was that if, on the evidence, I decided to remove the Objection land from the Register the result would be to cut off access from the road to the remainder of the Village Green. Several alternative solutions to this problem were discussed, and I was asked to postpone issuing a Decision in the matter until an agreed solution had been reached.

AGREED SOLUTION

For reasons I need not pursue it has taken over a year for the parties to reach an agreement. By letter dated 23rd November 1994 Price & Sons wrote to the Commons Commissioners confirming settlement of the matter between Mrs Cullen and the Community Council, and enclosing a plan showing edged in pink the land to be removed from the Register. This provides for a 10 foot wide strip of land along the river bank and a 4 foot 6 inches wide strip inside the bridge wall to



remain on the Register so as to provide access to the part of the Village Green unaffected by the Objection. The said plan is attached to this Decision marked "A".

CONCLUSION

In these circumstances and on the evidence before me I consider that the requirements of Section 1(2) of the 1989 Act are satisfied in respect of the part of the Objection Land edged pink on the said plan.

APPEAL

I am required by regulation 22(1) of the Common Land (Rectification of Registers) Regulations 1990 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

28th

day of

November

1994

Mat Rott

Chief Commons Commissioner

