



COMMONS REGISTRATION ACT 1965

Reference Nos. 241/D/13
241/D/15

In the Matter of The Green,
Woodford, Wiltshire (No.1).

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 2 in the Register of Common Land maintained by the former Wiltshire County Council and are respectively occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. VG 36 in the Register of Town or Village Greens maintained by the Council and by Objection No. 55 made by Mr H.M. Parker and noted in the Register on 19th April 1971.

I held a hearing for the purpose of inquiring into the disputes at Salisbury on 26th February 1975. The hearing was attended by Mr R. Wilkinson, the Clerk of the Woodford Parish Council, the applicant for both the registration and the conflicting registration and by Mr Parker in person.

Mr Wilkinson said that, while the Parish Council had applied for both registrations, he sought to support only the registration as common land and that on the ground that the land in question is waste land. Mr Parker agreed that the land is waste land. Indeed it is shown on the 1842 Tithe Map as "waste".

This measure of agreement does not get the case very far. Mr Wilkinson's first contention was that the land falls within the first limb of the definition of "common land" by being subject to rights of common. In support of that contention he relied on the list of reputed commons and greens supplied in 1956 to the Royal Commission on Common Lands, where this land is described as manorial waste and is stated to be subject to rights of pasture. Mr Wilkinson also said that historically this land has always been regarded by the inhabitants of the locality as "public land", to which they had a right of access, including the right to take the natural produce. He produced statements from two local residents, stating that they (and in one case the father of the writer) had taken pea and bean sticks from this land, but it appeared that they had done so in the belief that they were entitled to do so as villagers.

This is far from sufficient to establish the existence of any right of common, which must be a specific right exercisable by an identified person or in respect of an identified property. There can be no right of common in inhabitants as such.

Mr Wilkinson contended in the alternative that the land in question falls within the second limb of the definition by being waste land of a manor not subject to rights of common. The difficulty in Mr Wilkinson's way on this contention is that he was unable to adduce any evidence that this land, though



waste, is waste land of a manor. Both Mr Wilkinson and Mr Parker believed the owners of the land to be the Church Commissioners, with whom Mr Parker is negotiating for its purchase. However, there was no evidence that the Church Commissioners are the lords of any manor of which this land forms part. I can only act on the evidence before me, and on this evidence I am not satisfied that this waste land is waste land of a manor, i.e. the property of the lord of the manor.

For these reasons I refuse to confirm the registration.

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 27th day of March 1975

Chief Commons Commissioner