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Dyddiad/Date:

21 May 2020

JA. O. Claire Lewis
Assistant Comms
Registration & Definitive
Map Officer

Dear Sir/ Madam,

Mr and Mrs G T Edwards, Church House, Bryngwyn, Kington

On behalf of our above named members please find enclosed application CA13W to get an enclosed parcel of land, which has been mistakenly designated as common land, deregistered.

Representations were made some time ago on behalf of Mr and Mrs Edwards, and to date, the matter remains unresolved. We sincerely hope that the evidence provided can be considered and the matter rectified.

Background

Mr Edwards' mother passed away in 2003, Mr Edwards took over the entire farm holding. It then became apparent that the field parcel, SO1849 6672 had been designated as common land and incorrectly formed part of the RCL026 common.

In December 2003, it is my understanding that the Powys Common Land registration department amended the ownership of field parcel SO1849 6672 from Mr de Winton (owner of RCL26) to our member's title.

In 2005, new payment entitlements were allocated to land in Wales and the field parcel SO1849 6672 was not awarded any entitlements due to its common land status – belonging to Mr de Winton.

It was at this point that the issue was raised with the Assembly Member for Brecon and Radnorshire and the NFU, but at that time, there was no provision to allow amendments to be made to Common Land Registers.

We are now in a position where we would like to see this matter resolved. It is our understanding that there has been no intention whatsoever for the owner of RCL26 to make any benefit from this and that all that has happened is a blanket designation of the common and this error has meant an awful amount of work and worry for our members, who rightfully own the parcel of land.

Progression

I can appreciate how this error has occurred in that the parcel of land in question, is surrounded by common land, (RCL26) and it would appear that a blanket designation of the common took place many years ago, which wrongly included this field parcel.

What I fail to understand is why this problem has not been resolved to date given that in 2003 Powys Common Land Registration Dept, supposedly amended its records appropriately. It is clear that the field parcel in question belongs to Mr Edwards, as proven by the title deed document attached (CYM156230) Appendix 10.

For the sake of clarity, the field now known as 6672 – is also known as High Park – as you will know it is traditional for fields to have names and for the avoidance of any confusion, this is how it is known.

Appendix 1 - Having looked at and exhausted the tithe maps – a very interesting process – it is visible that the field in question – now known as 6672 – was once 3 parcels of land 590,591 and 594. It is indicated that a house once featured in land parcel 590 (noted House and Plock). I have outlined this in red. This tithe map also notes an occupier named William which would further suggest in it's day this was a little holding – farmed on its own. It also notes that the Land Use as Pasture and therefore is not noted as 'Common'.

Appendix 1 – Picture of the tithe map overlay

Appendix 3 – Aerial photograph to match the tithe map – this illustrates the field to this day is secluded and is not part of the open common.

Appendix 4 & 5 (overleaf) – I have included the tithe map website in order for you to locate the area. And the field in question is marked in red for ease of reference

Appendix 6 – Looking further at the National Library of Scotland website – it is visible that the field marked in red – is in isolation and the common land around it has little markings of common land. The field parcel is not covered by this coding which therefore shows that in 1888 – 1913 it was a field on it's own and this remains the case today.

Appendix 7 – Please find enclosed letter from the Acting Chairman of the Common land Association which confirms in his knowledge and back to his father's knowledge that the land parcel is enclosed and is owned by Mr Edwards and in no way, shape or form has this land been considered as the common RCL26.

Appendix 8 – The original 3 land parcels were amalgamated to form field number 666, it is usual for the centre of the field to be used as a new field number and that is what formed part of the Application for the registration of a right of common dated 29 Feb 1968 and the field number 666 is marked to show it's inclusion in the application, which was clearly marked as included in the land belonging to Church House Farm.

Appendix 9 – Copy of Common land Rights Register which notes field number 666 as comprising part of Church House Farm.

Appendix 10 – I enclose the Land Registry Title Number CYM156230 showing that Mr Edwards is the owner of the land and the field parcels are all marked in red – which includes field number 6672 (which is the new field number that has superseded the old OS reference 666, formerly known as 590,591 and 594 on the tithe maps). The field is clearly marked as being included on the deeds.

The History of the Land parcel.

The family have also provided deeds and Wills of Testament. For the sake of discretion and privacy, I have extracted the sections that are relevant. Full versions of these documents would be available upon request in person due to the sensitive nature of such documents.

We can go back as far as 1/02/1904.

Appendix 11 - A mortgage for the Lands known as High Park or Dods Farms situated in the County of Radnorshire. It would appear that the then resident of the late husband of Eliza Watkins, was approached by Walter de Winton for the sale to him of the land. Mr John Watkins (Eliza's husband) – passed away on 07/10/1903. Part payment had been made by John Watkins but the remaining outstanding debt passed to his wife Eliza. *It is cleared stated that Walter de Winton had requested her to complete the said contract to purchase.* The document also outlines that *the land was conveyed to the use of the said Eliza Watkins.* Mrs Watkins then took the mortgage of £90 which was all witnessed. It is further noted within this document that the land was actually transferred to John Watkins in October 1897 and this document notes that there was a cottage and outbuildings and 3 fields. (all of this marries in with the tithe maps previously alluded to). It also notes field number 666 which is how the field is originally numbered. And further reference is given to the fact that use of right on the Common of Bryngwyn Hill. This therefore shows that the land in private ownership is separate from the Common.

We also have the evidence of the Conveyance document dated 29 January 1904 from Walter de Winton to Mrs Eliza Griffiths. Appendix 11a.

The mortgage was paid off on 25th September 1935.

Eliza Watkins passed away on 13/10/1918 and the son George Watkins, formerly of High park, Bryngwyn (as noted Appendix 12), so he used to reside there.

During the search – please see Appendix 13 which notes High park Bryngwyn as part of the title deeds for George Watkins. Dated 26/09/1935

The picture is therefore wonderfully building.

As per Appendix 12 – George Watkins then sold the land known as 'High Park' to Robert Trevor Griffiths a solicitor. Appendix 14 is very clear in that on 26/09/1935 the land transaction took place for £105. This evidence shows that *the cottage with the outbuildings and pieces or parcels of pasture land belonging there to be know as 'High park' or 'Dods Farm situate adjoining Bryngwyn Hill in the County of Radnor and containing 3 acres three roods and 33 perches*

This again illustrates the separate nature of this land and that it is NOT common land and never has been.

The document goes further to list the fields and includes parcel numbers 666 grass, 706 do, 707 (house) and 709 grass

The map provided her is very visible of the field 666 and matches everything we have provided in the above Appendices.

Finally, Appendix 15 on 19th March 1970, R Trevor Griffiths sold the land in question to F J Edwards (Mr Graham Edwards father) and Eira Myfanwy Mary Edwards (Graham Edwards mother). Field number 666 is included in this conveyance document and is very clear that it is private land (plan 1 within the Appendix). It is very clear here that the land belongs to the Edwards family and this was then passed onto Mr Graham Edwards following their passing.

This also lists field number 666.

The only possible reason for this type of issue we find ourselves with is that this parcel was included in the common land registration mapping exercise – by a complete accident. There is significant evidence here that the land should never have been included in the designated of RCL026 and that this error should have been noticed. There is a significant amount of evidence here that would show that the field parcel was in private ownership and even the 1935 search for George Watkins evidences that High park was in private ownership. It is firmly my belief that the Council should have picked up on the fact that there was an anomaly here and that whatever plan submitted by Major Gerald Walter Frederick De Winton – should have been exhausted by the Powys Council and that a legal search would have highlighted this error and therefore avoided this whole episode.

It is visible from the information here that ancestors of Major Gerald Walter Frederick De Winton sold this land off and it never formed part of the Common.

I do not believe that any of this misallocation was intentional and I hope the history we have provided illustrates that this is a mistake.

I sincerely hope this is sufficient evidence and trust we can finally resolve this matter.

Kind Regards,

Stella Owen
County Adviser
NFU Cymru