



Mrs L M Williams  
Clerk to Garway Parish Council  
Little London  
Llancloudy  
Herefordshire  
HR2 8QN

Date  
18 August 2005

Your Ref

Our Ref  
HE27332/F/50/HER/RAW

Land Registry  
Telford Office  
Parkside Court  
Hall Park Way  
Telford  
TF3 4LR

Tel 01952 290355  
Fax 01952 290356

DX No 28100  
Telford (2)  
[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

Dear Mrs Williams

**Title Number:** (Provisional) HE27332

**Property:** Garway Common and Garway Hill, Garway

I refer to your application to register the above land.

The Council appear to be claiming title to the above land based on adverse possession; certainly no evidence of any documentary title has been lodged.

I note that the council is registered as owner of both commons under the Commons Registration Act 1965, unfortunately, except in respect of Village Greens under section 8 of the Commons Registration Act 1965, such registration does not vest title to the land in the Council.

The law in respect of adverse possession is complex and very much depends on the facts of each individual case as decided by the courts. However there are certain themes that have emerged through the case law. Principle amongst these is a requirement that the possession is exhibited by an appropriate degree of physical control of the land claimed and that the possession is exclusive to the applicant. Your evidence certainly shows some control of the Garway Common (CL118) but, given the nature of a common, the Council is not in exclusive control of the land.

Your application therefore appears to be substantively defective and has been cancelled under rule 16(3) of the land registration Rules 2002

Yours sincerely

R A Wood Mrs  
Assistant Land Registrar

Tel 01952 423007

*P.S. A refund of your fees of £40 will follow.*



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