



In the Matter of Hinton Common (40-301 ac.)
Dyrham and Hinton, Avon (No. 1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. G/CL 405 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. Ob. 187 made by Mrs M E Shepherd and noted in the Register on 24 June 1971, Objection No. Ob. 369 made by the Dyrham and Hinton Parish Council and noted in the Register on 19 July 1972, and Objection No. ob. 691 made by the former Gloucestershire County Council and noted in the Register on 3 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Bath on 20 July 1983. The hearing was attended by Mr J D B Milner, of Counsel, on behalf of Mr J R B Blathwayt, the applicant for the registration, and the Parish Council was represented by Mrs S Rae, its Clerk, and the Avon County Council by Miss D Jenkins Evans, Solicitor. There was no appearance by or on behalf of Mrs Shepherd or of Mrs Mabel Higgins and Mr V U R Higgins, the applicants for registrations in the Rights Section of the Register Unit.

Mr Milner informed me that he was instructed not to support the registration in so far as it related to most of the land comprised in the Register Unit. This only left for consideration a small triangle of land at a road junction in the village of Dyrham. On this triangle there is a seat and a sign-post pointing to the church, but there was no evidence as to who placed the seat or the sign-post there.

I was not satisfied on this evidence that the triangle of land is waste land of the manor of Dyrham and Hinton and, since there was no evidence in support of either of the registrations in the Rights Section of the Register Unit, I therefore refused to confirm the registration.

On being informed that Mrs Higgins had not received notice of the hearing, I set aside my decision and reopened the hearing at Bath on 21 February 1984.

The reopened hearing was attended by Mr Alun Alesbury, of Counsel, on behalf of Mrs Higgins and Mr Clarke (Mrs Organ being deceased) and Mr Higgins, Mr Milner on behalf of Mr Blathwayt, and Mrs Rae, the Clerk of the Parish Council. Mrs Rae, however, did not take any part in the proceedings.

Mr Alesbury informed me that he was instructed to agree that his clients were not entitled to any rights of common over the land the subject of Mrs Shepherd's objection, the land the subject of the former Gloucestershire County Council's objection, the land to the west of Barley Close Gate, and the land on either side of Cock Lane.

So far as the remainder of the land the subject of the registrations in the Rights Section of the Register Unit was concerned, I was satisfied on the evidence called by Mr Alesbury that there is a right to graze 40 cattle over this land and over those parts of Register Unit No. CL 404 edged red on Inset Map E of sheet ST 77 NW of the Register Map attached to Healey Court Farm and a similar right attached to the land adjoining Healey Court Farm, known as Hill Farm.



-2-

I therefore confirm the registration with the following modifications, namely, the exclusion of the land the subject of Objections Nos. Ob. 187 and Ob. 691, the land to the west of Barley Close Gate, the land on either side of Cock Lane, and the land not shown edged blue on Inset Map E of sheet ST 77 NW of the Register Map.

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

19~~8~~

day of

March

1984

Chief Commons Commissioner