



COMMONS REGISTRATION ACT 1965

Reference Nos 260/D/103-140

In the Matter of Siston Common, Goose
Green and Webb's Heath, Siston, Avon (No.2)

DECISION

These disputes relate to the registrations at Entry Nos 1 to 29 in the Rights Section of Register Unit No. CL.29 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. 26 made by Mrs D Gent and noted in the Register on 14 May 1970, Objection No. 73 made by Mr R J Turner, Objection No. 76 made by Mr R W Pyle, Objection No. 78 made by Mr J Evans, and Objection No. 118 made by Messrs. S R and E London and all noted in the Register on 15 December 1970, Objection No. 96 made by the former Gloucestershire County Council and noted in the Register on 17 March 1971, and Objection No. 155 made by Mr L A Baker, and noted in the Register on 31 March 1971, Objections Nos 159-161 made by Mr J A Seymour-Williams and Objections Nos 102-104 made by the former Warmley Rural District Council and all noted in the Register on 19 December 1970, Objections Nos 210, 212, 214, 216-218, 220, 221, 223, 224, 228, 230 and 231 made by the former Rural District Council and all noted in the Register on 15 December 1971, Objection No. 349 made by the former Rural District Council and noted in the Register on 19 May 1972, and Objections Nos. 211, 213, 218, 222, 225-227, 229, 232, 233 and 348 made by the former Rural District Council and all noted in the Register on 6 December 1972

I held a hearing for the purpose of inquiring into the disputes at Bath on 3 June 1980. The hearing was attended by Mr J A Whitehead, Solicitor, on behalf of Mr S C Fussell, the applicant for the registration at Entry No. 1 and for Mr E R Burcombe, the applicant for the registration at Entry No. 3, and by Mr D J Bellow, Solicitor, on behalf of Mr and Mrs Reed, the successors in title of Mrs Gent, and Mr S Thompson, the applicant for the registration at Entry No. 2, and by Mr J Hughes, Solicitor on behalf of the Kingswood District Council, the successor authority of the former Rural District Council,

Mr T E G Whittock, the applicant for the registration at Entry No. 8, Mr H E Payne, the applicant for the registration at Entry No. 13, Mr R C Turner, the son of Mr R. J Turner, also the applicant for the registration at Entry No. 19, Mr Pyle (also the applicant for the registration at Entry No. 20), Mr W J Lawson, the applicant for the registration at Entry No. 21, and Mrs K Tremayne, the applicant for the registration at Entry No. 26, appeared in person.

Objections Nos 26, 73, 76, 78, 96, 118. and 155 related to the exercise of rights over comparatively small areas of land. Since I have confirmed the registration at Entry No. 1 in the Land Section of the Register Unit with the exclusion of these small areas, it is no longer necessary to consider these objections.

Entry No. 1 This registration is the subject of Objections Nos 102 and 159, both of which relate to parts of the land still comprised in the Register Unit. I was satisfied on the evidence that cattle from the dominant tenement, Bonniemount Farm, had grazed over the whole of the land now comprised in the Register Unit. Since Mr Fussell said that he did not wish to pursue his application in so far as it related to fowls, I confirm the registration with the following modification, namely, the deletion of the words " and 100 domestic fowls".



Entry No. 2 This registration is the subject of Objections Nos 103 and 160, both of which relate to parts of the land still comprised in the Register Unit and to the number of cattle. I was satisfied on the evidence that cattle from the dominant tenement, Myrtle Farm, had grazed over the whole of the land comprised in the Register Unit and that the farm could support 24 cattle on the basis of levancy and covehancy. I therefore confirm the registration with the following modification, namely, the substitution of "24" for "25".

Entry No. 3 Mr Whitehead said that he was instructed not to support this registration. I therefore refuse to confirm it.

Entry No. 4 This registration was the subject of the "land" Objections only. Those Objections having been met, I confirm the registration.

Entry No. 5 This registration is the subject of Objection No. 214, which was accepted by the applicant, Mr J A Bailey, by a letter dated 15 November 1971. I therefore confirm the registration with the following modification, namely, the substitution of "25" for "60".

Entry No. 6 This registration is the subject of Objection No. 216, which was accepted by Mr R E Davis, the successor in title of Mr R E Downs, the applicant for the registration, by letter received by the former Rural District Council on 20 September 1971. I therefore confirm the registration with the following modification, namely, the substitution of "20" for "40".

Entry No. 7 There was no appearance in support of this registration and no agreement by the applicant, so I refuse to confirm it.

Entry No. 8 This registration is the subject of Objection No. 233, which was accepted by the applicant, Col. F Seymour-Williams, by letter dated 3 September 1971. I therefore confirm the registration with the following modifications, namely, the substitution of "ten" for "twenty" and the deletion of "or the equivalent in sheep or horses".

Entry No. 9 This registration is the subject of Objection No. 210, which was accepted by the applicant, Mr T E Whittock, by letter received by the former Rural District Council on 21 September 1971. I therefore confirm the registration with the following modification, namely, the deletion of "1 horse" and the substitution of "and"

Entry No. 10 This registration is the subject of Objection No. 220, which was accepted by Mr M G Peacock, the applicant for the registration, by letter dated 7 September 1971. I therefore confirm the registration with the following modification, namely, the substitution of "and 1 cow" for "1 cow and 1 horse".

Entry No. 11 This registration is the subject of Objection No. 221, which was accepted by the applicant, J H E Drinkwater Ltd, by letter dated 31 August 1971. I therefore confirm the registration with the following modification, namely, the deletion of "2 horses".



Entry No. 12 This registration is the subject of Objection No.222. There was no appearance in support of the registration, so I confirm it with the following modification, namely, the substitution of "3" for "6"

Entry No.13 This registration is the subject of Objection No. 232, which relates to parts of the land still comprised in the Register Unit and to the number of cattle. I was satisfied on the evidence that cattle from the dominant tenement, Brook Farm, had grazed over the whole of the land comprised in the Register Unit and that the farm could support 50 cattle on the basis of levancy and cochancy, but Mr H C Payne, the applicant for the registration, gave evidence that he would never keep horses on the common again. I therefore confirm the registration with the following modifications, namely, the substitution of "50" for "75" and the deletion of "and 10 horses".

Entry No. 14 This registration is the subject of Objection No. 231. Mr Hughes informed me that the applicant had agreed to accept the Objection. I therefore confirm the registration with the following modification, namely, the substitution of "6" for "10".

Entry No. 15 This registration is the subject of Objection No. 230. Mr Hughes informed me that the applicant had agreed to accept the Objection. I therefore confirm the registration with the following modifications, namely, the substitution of "10" for "40" and the deletion of "and 5 horses".

Entry No. 16 This registration is the subject of Objection No. 229. There was no appearance in support of the registration, so I refuse to confirm it.

Entry No.17 This registration is the subject of Objection No. 228, which was accepted by the applicant, Mr A Yeoman, by letter dated 29 August 1971. I therefore confirm the registration with the following modification, namely, the deletion of "2 ponies".

Entry No.18 This registration is the subject of Objection No. 227. There was no appearance in support of the registration, so I confirm it with the following modifications, namely, the deletion of "2 goats, 5 cows or calves", the substitution of "and a brace of ducks" for "a brace of ducks and 1 pony", and the insertion after "Webbs Heath" of " except the land shown edged green on the plan attached to Objection No. 227"

Entry No. 19 This registration is the subject of Objection No. 226, which relates to parts of the land still comprised in the Register Unit, to the number of cattle, and to the right to graze horses. I was satisfied on the evidence that cattle from the dominant tenement, Bridge Farm, had grazed over the whole of the land specified in the registration and that the farm could support 30 cattle on the basis of levancy and cochancy. Mr R C Turner, the son of the applicant, said that horses would never be grazed on the common again. I therefore confirm the registration with the following modification, namely, the deletion of "and 2 horses".



Entry No. 20 This registration is the subject of Objection No. 225, which was accepted by the applicant, Mr R W G Pyle, by letter dated 4 September 1971. I therefore confirm the registration with the following modifications, namely, the deletion of "1 horse" and the insertion after "Goose Green" of "except the land shown edged green on the plan attached to Objection No. 225".

Entry No. 21 This registration is the subject of Objection No. 218, which was accepted by the applicant, Mr W J Lawson, by letter dated 11 October 1971. I therefore confirm the registration with the following modification, namely, the deletion of "graze 1 pony and".

Entry No. 22. This registration is the subject of Objection No. 224, which was accepted by the applicant, Mr J J Watts, by letter dated 30 August 1971. I therefore confirm the registration with the following modification, namely the deletion of "turbary and piscary".

Entry No. 23 This registration is the subject of Objection No. 219. Mr Hughes informed me that it had been agreed with the applicant that the right extended to only 10 head of cattle and not to horses. I therefore confirm the registration with the following modifications, namely, the substitution of "10" for "32" and the deletion of "and 2 ponies".

Entry No. 24 This registration was "withdrawn" by a letter dated 7 December 1971 from the applicant's solicitors. I therefore refuse to confirm it.

Entry No. 25 This registration is the subject of Objection No. 213, which relates to part of the land still comprised in the Register Unit and to the inclusion of horses.

I was not satisfied on the evidence that the right included horses or the land known as Goose Green and Webbs Heath, which Mr Hughes asked to be excluded. I therefore confirm the registration with the following modifications namely, the deletion of "horses or" and the insertion after "register unit" of "other than Goose Green and Webbs Heath".

Entry No. 26 This registration is the subject of Objection No. 212. I was not satisfied on the evidence of the existence of the registered right. I therefore refuse to confirm the registration.

Entry No. 27 This registration is the subject of Objection No. 211. There was no appearance in support of the registration, but Mr Hughes informed me that the District Council accepted the existence of a right to graze 10 cows, but not over the land known as Webbs Heath. I therefore confirm the registration with the following modifications, namely, the substitution of "ten" for "twelve" and the deletion of "and Webbs Heath but excluding the strip of land to the north-east of Webbs Heath".

Entry No. 28 This registration is the subject of Objection No. 348, which Mr A T Faithfull, the applicant for the registration, in a letter dated 27 July 1973 accepted. I therefore confirm the registration with the following amendments, namely, the substitution of "20" for "fifty" and the insertion after "north east of Webbs Heath" of "and excluding the land shown edged green on the plan attached to Objection No. 348".



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Entry No. 29 There was no appearance in support of this registration and no agreement by the applicant, so I refuse to confirm it.

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

11th

day of

August

1980

Chief Commons Commissioner