



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/56

In the Matter of Unnamed Waste Land between
Porth Bridge and New Bridge in Cynwyd Village
Llangar

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.143 in the Register of Common Land maintained by the former Merioneth County Council and is occasioned by Objection No. 320 made by Herbert Wilson and noted in the Register on 9 July 1971.

I held a hearing for the purpose of inquiring into the dispute at Denbigh on 23 February 1978. The hearing was attended by Mr Wilson in person and Mr F Lacey appeared for the Llangar Community Council.

I must in the first instance apologise for the delay in giving this decision due to the file having been mislaid.

The land in question adjoins the cottage Tye Dwr which is owned and occupied by Mr Wilson. It is not subject to Common Rights and can only be common land if it is waste of a manor. In 1944 Mr Wilson removed several feet of earth from the land adjoining his cottage in order to obviate dampness, in 1948 he levelled part of the ground adjoining his cottage and in 1955 he paved part of the ground and has used it as a terrace. As regards all the ground on which these improvements have been effected Mr Wilson has clearly dispossessed the true owner whether the Lord of the Manor or anyone else for a period which is ample to give him a title under the Limitation Act 1939. The Lord of the Manor, if he was the true owner could not now recover this land and for this reason it cannot be waste of a manor, indeed it is not waste being in the occupation of Mr Wilson.

Mr Lacey claimed there was a right of way over the remainder of the land, which is very small in area, and this was not disputed by Mr Wilson. This right of way being conceded Mr Lacey did not press me to confirm the registration as regards that part of the land not occupied by Mr Wilson. No useful purpose will be served by leaving this small remainder of the land subject to a right of way in the Register.

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 12th day of March 1979

J. A. Little

Commons Commissioner