



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/154
209/D/155

In the Matter of a 27 acre tract of
land at Combe Martin, North Devon District,
Devon

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and in the Rights Section of Register Unit No CL 243 in the Register of Common Land maintained by the Devon County Council and is occasioned by Objection No 886 made by Mrs Lavinia Wyborn and noted in the Register on 4 December 1979.

I held a hearing for the purpose of inquiring into the disputes at Barnstaple on 9 May 1979. At the hearing (1) Combe Martin Parish Council were represented by Mr G C Andrews, and (2) Mrs Wyborn was represented by Mr M L L Firman solicitor of Chanter, Burrington and Foster, Solicitors of Barnstaple.

The Rights Section registration was made on the application of Mr William Alfred Fletcher and the Land Section registration was made in consequence of his application for registration of rights. Mr Firman handed me a document dated 5 May 1979 and signed by Mr Fletcher by which he consented to the removal of the said entries in the register.

Mrs Wyborn said (in effect):- She has been the owner of West Chalacombe Farm since June 1958 and was born there (76 years ago). Her son had looked after the Farm since 1961. The land in this Register Unit has always been farmed with the Farm.

Mr Andrews produced a lease dated 11 June 1930 by which Mr Richard Laramy of West Chalacombe Farm demised to Combe Martin Parish Council secondly the right of user of the land in this Register Unit at all times for the purpose of exercise and recreation for the term of 3,000 years from 25 March 1930. Mr Laramy was the grantee of the Farm under a deed dated 28 September 1932 (produced); he died 4 February (?) 1958.

On the above evidence I am satisfied that both these registrations should not have been made, and accordingly I refuse to confirm them.

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 8th - day of June - 1979

a. a. Bowen Fuller

Commons Commissioner