



In the Matter of Bridestowe and
Sourton Common, in Bridestowe
and Sourton, West Devon District,
Devon

SECOND DECISION

This second decision is supplemental to my decision dated 13 October 1983 (corrected 21 November 1985) and made in this Matter about 140 registrations in the Rights Section of Register Unit No. CL96 in the Register of Common Land maintained by Devon County Council after a hearing at Plymouth on 8 and 9 March 1983; and relates to, and only to, the Rights Section registration at Entry No. 56 which is not mentioned in the said decision and to the Rights Section registrations at Entry Nos 230 and 231 which as from 6 January 1987 have replaced Entry No. 56.

The said registration at Entry No. 56 is specified in Objection Nos 385 and 386 made by HRH Charles Prince of Wales, Duke of Cornwall. The said registrations at Entry Nos 56, 230 and 231 and the said Objections are (in effect) as set out in the First Schedule hereto.

The events so far as relevant to Entry No. 56 which happened before the said March 1983 hearing are summarised in the Second Schedule hereto. As therein appears, it was the intention of Devon County Council as registration authority that the Commons Commissioner should at his March 1983 hearing consider Entry No. 56, but no mention of it was made at the hearing probably or possibly because 56 being not mentioned in the notice of the hearing (the County Council intention about it having been received after the notice) and because all those present or represented at it thought, notwithstanding that "56" is specified in the said two Duchy Objections that the registration at this Entry No. had become final in accordance with the Rights Section Entry No. 220.

The events so far as relevant to Entry Nos 56, 230 and 231 after October 1983 are summarised in the Third Schedule hereto, and in the letter of 11 February 1987 therein mentioned.

I held a hearing for the purpose of inquiring into the dispute about the registration at Entry No. 56 and Entry Nos 230 and 231 replacing it, at Plymouth on 3 November 1987. At the hearing the Attorney-General for the Duchy of Cornwall was represented by Mr C Sturmer, the land agent for their Dartmoor Estate.

The considerations applicable to Entry No. 56 (as so replaced) are the same as those applicable to the Entry Nos by me considered in the second paragraph of page 10 of my said October 1983 decision. These considerations are still applicable. Accordingly I now CONFIRM the Rights Section registration at Entry No. 56 and the registrations at Entry Nos 230 and 231 which have replaced it with the MODIFICATION that in column 4 "piscary" and "To shoot" be deleted and without any other modification.

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.



FIRST SCHEDULE
(Registrations and Objections)

Entry No. 56

- (1) Date:- 12 July 1968.
- (2) No. and date of application:- 1051, 4 June 1968.
- (3) Name etc:- William Henry Voaden, Trescote, Bridestowe; Winifred Bertha Voaden, 16 Lovelace Crescent, Exmouth. Owners.
- (4) Particulars of the right of common etc:- Turbary, Piscary, To Take:- stone, gravel and sand, Estovers, To shoot, To Graze:- 20 stock units, as per N.F.U scale of July, 1967, over the whole of the land comprised in this register unit and register unit numbers CL64, CL97, CL135, CL155 and CL164.
- (5) Particulars of the land to which the right is attached:- Land known as Higher Week comprising OS. Nos. 385, 427, 429, 430 (Second Edition 1906) for Parish of Sourton.

Entry No. 230

- (1) 6 January 1987.
- (2) ADMT 125, 22 November 1986.
- (3) Mr David Herbert Pellow, Mrs Lynda Mary Theresa Pellow, Little Binton, Sourton, Okehampton; owners.
- (4) As for No. 56 above except graze 6 stock units.

Entry No. 231

- (1) 6 January 1987.
- (2) ADMT 125, 22 November 1986.
- (3) Mr Martin Pellow, Lillicrapp, Sourton, Okehampton; owner.
- (4) Same as Entry No. 56 except graze 14 Stock Units.

Objection No. 385

Grounds:- "That no rights exist on that part of the land comprised in this Register Unit hatched in red and lettered "A" on the Register Maps for Shooting.

Objection No. 386

Grounds:- "That no rights exist on that part of the land comprised in this Register Unit hatched in red and lettered "A" on the Register Maps for Piscary.

SECOND SCHEDULE
(Events before March 1983)

6 July 1976

References (form 36) to a Commons Commissioner of the dispute as to the registrations at the Entry Nos. therein listed NCT including "56" occasioned by Objection Nos. 385 and 386.

20 January 1983

Letter sent to all persons concerned giving notice of a hearing before a Commons Commissioner on 8 March 1983 and enclosing a copy of the references relating to Unit No. CL96 with which the addressee was or might have been concerned Note: the references so enclosed would as regards Objection Nos. 385 and 386 be as originally received in the office of the Commons Commissioners, that is without any mention in them of "56".

17 February 1983

Letter from Devon County Council:- "Further to my letter of 6 July 1976 with which I forwarded notices of references relating to disputes in CL Unit No. 96, it has lately been drawn to my attention that these notices are incorrect insofar as Objection Nos. 385 and 386 are concerned. Please could you therefore amend them to include the ... Entry No. (56), which continues to be the subject of objections made by the Duchy of Cornwall.

22 February 1983

Memorandum endorsed in the office of the Commons Commissioners on the said February 1983 letter "notices of references amended: 22/2/83.

T. J. W. J. W. J.



THIRD SCHEDULE

- 25 September 1985 Telephone conversation originating from Devon County Council saying that the Section 6 Notice on 2 May 1984 signed by the Commons Commissioner is or might be defective in that (among other things) Entry No. 56 was not in it mentioned at all.
- 23 December 1985 Letter from Devon County Council including "I am however in some difficulty with Entry No. 56 as the register has erroneously indicated its having become final at Entry No. 220. This in fact was not possible as the Entry is still the subject of Objection Nos. 385 and 386".
- 4 March 1986 Letters from Clerk of Commons Commissioners to Devon County Council, Land Steward Duchy of Cornwall and Mr T G G Dawe as a member of the Bridestowe and Sourton Commoners Association.
- 19 March 1986 Letter received from Secretary of Bridestowe Commoners saying: "William Henry Voaden and Winifred Bertha Voaden under Entry No. 56 are both deceased and I understand the land is in the ownership of Mr Lewis John Groyn Hockridge, Week Farm, Sourton, Okehampton."
- 21 May 1986 and 9 January 1987 Letters to Mr L J G Hockridge from Clerk of the Commons Commissioners.
- 22 January 1987 Letter from Devon County Council enclosing copies of new register entries made as a result of the successful application for the amendment of the register in relation to a Right of Common and which replaces No. 56 of this register unit.
- 11 February 1987 Letters to Mr D H and Mrs L M Pellow and to Mr M Pellow from the Clerk of the Commons Commissioner.
- 8 July 1987 Notice of hearing on 3 November 1987 sent to Messrs Pellow and others.

Dated this 18th

day of December 1987

A. A. Baden Fuller

Commons Commissioner