



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/438-439

In the Matter of Buckfastleigh Moor, West Buckfastleigh

DECISION

This dispute relates to the registration at Entry No. 66 in the Rights Section of Register Unit No. CL.146 in the Register of Common Land maintained by the Devon County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of the Register.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 29th March 1994. The hearing was attended by Mr Cyril Pearse, Mrs Dickinson and Miss Roberts.

Mr Pearse is registered at Rights Entry No. 66 in respect of rights of turbarry, to cut heath and bracken, to take sand and stone, and to graze 17 cattle or ponies or 85 sheep with their progeny over the whole of the land comprised in this Register Unit and CL.164. The land specified in column 5 of the register as being the land to which the rights are attached is the land formerly part of The Brook Manor Estate shown edged red on the supplemental map bearing the number of this registration. The whole of this land is shown on the Register Map as forming part of the common. A conflict thus arises between Rights Entry No. 66 and the Land Section of the Register. I have to decide whether to remove this piece of land from the Register or to cancel Rights Entry No. 66.

At a previous hearing before me on 23rd January 1990 (Reference No. 209/U/123) Mr Pearse produced to me a Conveyance dated 9th January 1967 made between Ben George Shorland (1) and Mr Pearse (2) in respect of pieces or parcels of land being part of an area of Down and Grazing land (formerly part of the waste or demesne land of the Manor of Buckfastleigh) forming part of what was formerly known as The Brook Manor Estate for the purpose of identification shown on the plan attached thereto and described in the Schedule thereto as Ordnance No. 159 4.497 acres and Ordnance No. 160 12.608 acres together totalling 17.105 acres. At the present hearing Mr Pearse produced to me a Certified copy of the same deed. I am satisfied that it includes the whole of the land in respect of which this conflict arises.

Mr Pearse was sworn and said that he had used this piece of land before he bought it in 1967. He had enclosed it by putting in gates in 1964. He bought the land as freehold land. No-one else had ever claimed to put animals on it nor to exercise any other rights over it.

Mr Pearse's evidence was not contested, and his claim was not opposed by anyone present at the hearing.

I shall accordingly:-

- (1) Confirm Entry No. 1 in the Land Section of the Register with the further modification that the land in question which for identification I have marked with the letter "A" on the copy plan annexed hereto be excluded therefrom.
- (2) Confirm Entry No. 66 in the Rights Section of the Register.



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

April

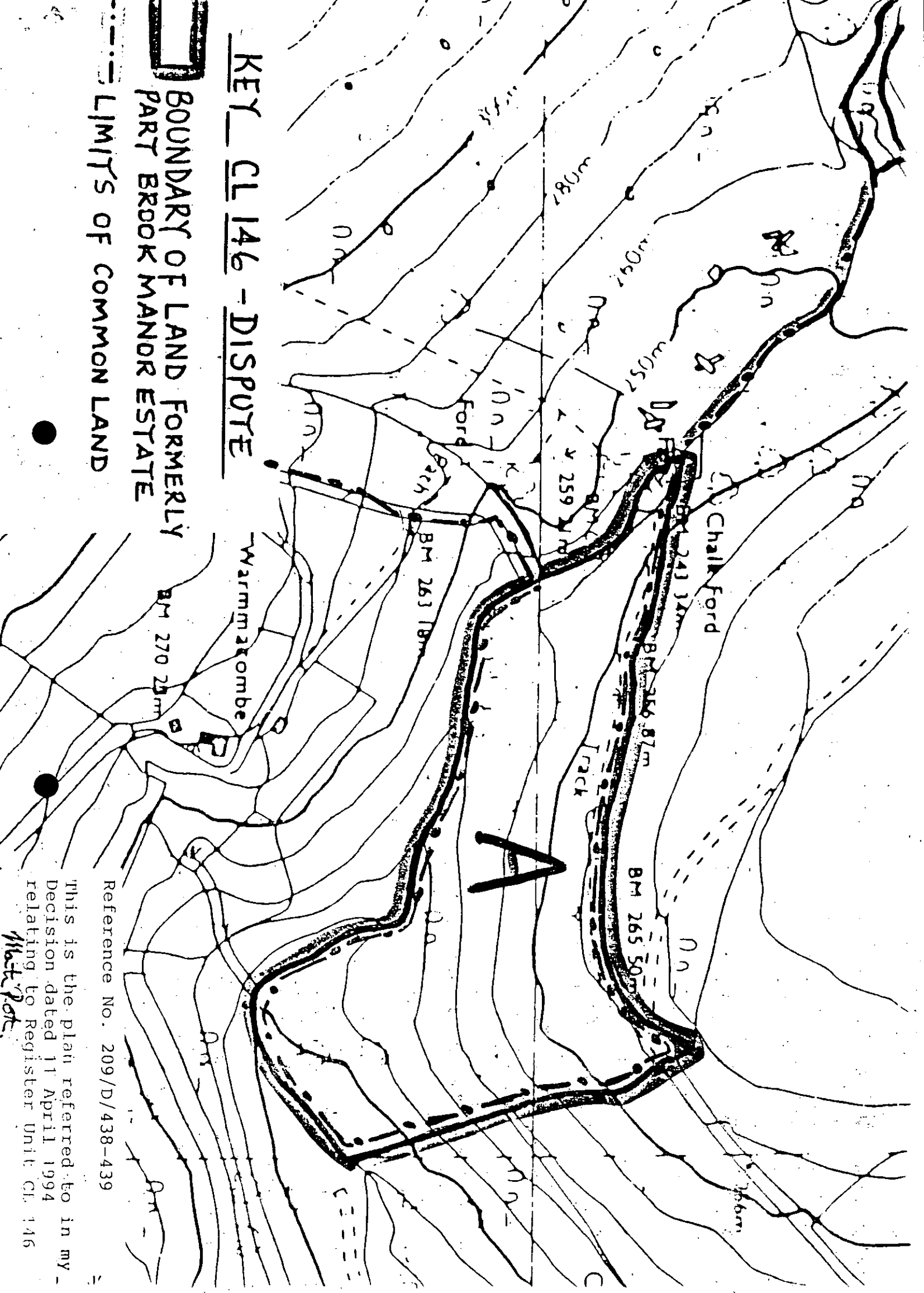
1994

Mati Roth

Chief Commons Commissioner

BOUNDARY OF LAND FORMERLY
PART BROOK MANOR ESTATE
LIMITS OF COMMON LAND

KEY CL 146 - DISPUTE



Reference No. 209/D/438-439

This is the plan referred to in my
Decision dated 11 April 1994
relating to Register Unit CL 146
Mist Pot.