



In the Matter of Common Moor
 Holsworthy Hamlets, Torridge District,
 Devon

DECISION

This reference relates to the question of the ownership of land known as Common Moor, Holsworthy Hamlets, Torridge District being the land comprised in the Land Section of Register Unit No CL13 in the Register of Common Land maintained by the Devon County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Barnstaple on 11 May 1979. At the hearing, (1) Mr L A Gould on whose application Rights Section Entry No 4 was made, attended in person, (2) Mr D J A Vanstone on whose application Rights Section Entry No 13 was made (as successor of Mr E J Shute on whose application Entry No 3, now cancelled, was made) attended in person, (3) Mrs Miriam Elizabeth Heale, widow of Mr W T Heale on whose application Rights Section Entry No 6 was made (he died 9 February 1972) was represented by her daughter Miss B Heale; (4) Mr Patrick John Martyn as owner of Lanes Tenement in succession to Mr H A Yelland on whose application Rights Section Entry No 1 was made attended in person; and (5) Mr A T Turner of Langdon Clawton, Holsworthy (he and Mr Vanstone are owners of Langdon Farm about $\frac{1}{4}$ mile south of the Moor) attended in person.

The land in this Register Unit ("The Moor") contains according to the Register about 120 acres. In the Rights Section there are now 7 subsisting registrations (Nos 1, 2, 4, 6, 10, 11 and 13) of rights to graze varying numbers cattle amounting altogether to 33 with the alternative in some cases of sheep, on the basis of 5 sheep equal one head of cattle. None of the above claimed ownership of The Moor or any part of it. Mr Martyn, and Miss Heale, and Mr Turner mentioned what they had been told by various persons about the ownership, but nothing sufficiently precise to enable me to say who is now the owner.

Mr Martyn expressed the view that The Moor as now is, after it had been grazed by those entitled, could be of no value to an owner. The Moor he said, was capable of improvement, and such improvement might be agreed if all concerned could identify with certainty all the persons who as owners or otherwise could have an interest in it.

While I realise that it might be agriculturally advantageous if The Moor was owned by the persons entitled to graze it, I have no jurisdiction under the 1965 Act to award such persons the ownership merely because it would or might be advantageous. In the absence of any evidence I am not satisfied that any person is the owner of The Moor and it will therefore remain subject to protection under Section 9 of the Act of 1965.



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 13th — day of July — 1979

a. a. Bade Fuller

Commons Commissioner