



In the Matter of Haldon Moors (Part),
Bishopsteignton, Devon

DECISION

This reference relates to the question of the ownership of land known as Haldon Moors (part), Bishopsteignton, being the part of the land comprised in the Land Section of Register Unit No. CL.221 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 Mrs V M Beal and others, Miss Margorie Vooght and others, Mr and Mrs A J Vooght, and Mr and Mrs J H Vooght claimed to be the freehold owners of the land in question and the Bishopsteignton Parish Council 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 Plymouth on 13 December 1984. At the hearing various members of the Vooght family were represented by Mr C Thomas, Solicitor, The National Trust was represented by Mr G Churchill, its land agent, and Mr R A Beale appeared in person.

A part of the land the subject of the reference, consisting of O S Nos 215, 219 and 220, was the subject of a Conveyance made 31 December 1919 between (1) Revd William John Clapps (2) The Public Trustee (3) W J Clapps (4) Henry James Vooght and Joseph Vooght. After mesne transactions between members of the Vooght family, ending with a deed of appointment made 1 January 1974 between (1) Marjorie Vooght and Arthur John Vooght (2) Joseph Henry Vooght (3) John Vooght and Robert Edward Vooght this land became vested in the parties to that deed other than Mr J H Vooght.

O S Nos 212, 213, 214, 216, 217, and 218 were the subject of an indenture made 1 December 1920 between (1) William Hugh, Lord Clifford of Chudleigh (2) Mabel Anne, Baroness Clifford of Chudleigh (3) Rudolph Edmund Aloysius Feilding and Egerton Stephen Somers Harding (4) Phillip Whitham (5) Annie Maud Eyston (6) Hon Charles Oswald Clifford (7) Sir Ernest Cable (8) Henry James Vooght and Joseph Vooght. After mesne transactions between members of the Vooght family, the land was conveyed to Mrs M H Vooght by a deed of gift made 1 January 1974 between (1) Arthur John Vooght (2) Marion Hazel Vooght.

The remaining Vooght land is O S No. 370, which was included in the parcels of the indenture of 1 December 1920 in two parts, one described as part of Hayes Farm and containing 44a.0r.33p and the other described as part of Marsden Farm and also containing 44a 0r. 33 p., but the field was not physically divided into two



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equal parts. By a Conveyance made 24 June 1970 Hayes Farm was conveyed to Mr J H Vooght and by another Conveyance of the same date Marsden Farm was conveyed to Mr A J Vooght. Each of these Conveyances included 44a Or. 33p. of O S No. 370, but the field remained undivided and was used jointly by the occupiers of Hayes Farm and Marsden Farm. By deeds of gift each dated 1 January 1984 Mr J H Vooght and Mr A J Vooght conveyed their respective shares in O S No. 370 to their respective wives, but this still left undefined which part belonged to which Mrs Vooght. Since the hearing the position has been clarified by a deed made 23 January 1985 between (1) J H Vooght and A J Vooght (2) J H Vooght (3) A J Vooght (4) Doris Phyllis Vooght (wife of J H Vooght) (5) Marion Hazel Vooght (wife of A J Vooght), by which the land was conveyed to the two husbands and their wives as beneficial tenants in common.

A triangular strip of land on the east side of the land comprised in the Register Unit was conveyed to the National Trust by a Conveyance made 21 October 1948 between (1) Herbert Leigh Holman (2) Dorothy Andrew Holman, Eleanor Joyce Dorothy Holman and H L Holman (3) Myfanwy Wynn Lewis Holman and H L Holman (4) The National Trust for Places of Historic Interest and Natural Beauty.

Finally, a triangular piece of land forming part of the Teignmouth Golf Course was conveyed by an indenture made 9 October 1924 between (1) Harold George Michelmore and Frederick William Marshall (2) John Wills Dymond, Peter Poole Lloyd, Frederick James, Reginald James Evans Smith and Gertrude Eleanor Morton Palmer. Mr Beale produced a list of six persons who, he said, were the successors in title of the parties of the second part, though he did not produce any documentary evidence in support of the list. However, it is not necessary for me to investigate the list further, for the effect of the First Schedule to the Law of Property Act 1925 was to vest the ownership in the Public Trustee, though this will not, of course, affect any equitable interests to which the persons named in the list may be entitled.

On this evidence I am satisfied that the members of the Vooght family, the National Trust and the Public Trustee are the owners of parts of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, which will therefore remain subject to protection under section 9 of the Act of 1965.



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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 *22nd* day of *February* 1985

A handwritten signature in cursive script, appearing to read 'G. S. L. Smith'.

Chief Commons Commissioner