



## COMMONS REGISTRATION ACT 1965

Reference No. 209/D/328/Q  
209/D/329/Q  
209/D/330/Q

In the Matter of Headon Down,  
Cornwood, South Hams District,  
Devon

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos. 1 to 21 inclusive and 23, 24 and 25 in the Rights Section of Register Unit No. CL115 in the Register of Common Land maintained by the Devon County Council, and are occasioned by Objection No. 300 made by Major F A V Parker and noted in the Register on 3 December 1970 and by Objection No. 1131 made by Devon County Council and noted in the Register on 11 September 1972.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 18 and 20 October 1983. At the hearing (1) Major Frederick Anthony Vivian Parker who made the said Objection and who is at Entry No. 1 in the Ownership Section registered as the owner of part of the land ("the Unit Land") in this Register Unit, was represented on 18 October by Mr J A F Kittow, solicitor of Harold Michelmore & Co, Solicitors of Newton Abbot and on 20 October by Mr P J R Michelmore, chartered surveyor of Michelmore Hughes (their Newton Abbot office); (2) Devon County Council as makers of the said Objection No. 1131, were represented on 18 October only by Mr P A J Browne their senior assistant solicitor; (3) Watts, Blake Bearne and Company Limited ("WBBC") who are in the Ownership Section registered as the owners of another part of the Unit Land, were represented by Mr G Dawes, mining engineer in their employ; and (4) the persons who applied for or were otherwise interested in the Rights Section registrations were as in the First Schedule hereto set out either represented by (a) Mr P W Harker solicitor of Bellingham & Crocker, Solicitors of Plympton or (b) Mr A R Colville, chartered surveyor of Michelmore Hughes, Chartered Surveyors of Tavistock; or (c) Mr A G Serpell of Serpell Son & Davey, Solicitors of Plymouth; or (d) attended in person.

The Unit Land is a tract of about 345 acres, being approximately square but exclusive of an area about 300 yds long and about 150 yds wide known as Gib Park Wood (not included in the registration). Its northeast boundary is for the most part the road (much used by motor traffic) from Wotter to Cornwood; its northwest boundary is the Piall River (except the comparatively small area of works near Quick Bridge); its southeast boundary, for about half its length joins the east part of the land in Register Unit No. CL189 (the part of Headon Down in Cornwood extending westwards to Smallhanger Waste and Crownhill Down). For the purposes of the Ownership Section the Unit Land is divided by a strip ("the Central Strip") extending from Quick Bridge in the north to Headon Gate in the south of which no person is in such Section registered as owner; of the part east of the Central Strip (lettered "A" on the Register Map) Major Parker is registered as the owner, and of the part west of the Central Strip (lettered "B") WBBC are registered as owners. The grounds of Parker Objection No. 300 are (in effect): the part of the Unit Land lettered "A" on the register map is not common land nor was it common



land at the date of registration. The grounds of County Council Objection No. 1131 relating only to Rights Section registration at Entry No. 21 are "that the right does not exist at all". By sub-section (7) of section 5 of the Commons Registration Act 1965 Objection No. 300 must "be treated ... as being also an objection to any registration ... of any rights ...": so all the Rights Section registrations are in question.

On 18 October at the beginning of the hearing Mr Kittow said (in effect) that as regards the Land Section registration, Objection No. 300 would be limited to the land ("the Blue Land") coloured blue on the plan (FAVP/1) he then produced; an uncoloured copy of such plan with the land on the original coloured blue surrounded by a thick black line marked A, B, C, and D ("the Decision Plan") is page 3 of this decision.

Mr Browne said that the County Council would not by evidence or argument support the County Council Objection No. 1131 but would leave land owners to support it as they might think fit.

As regards the registrations at Entry Nos. 1, 2 and 3 (A J Wotton) at No. 18 (P Phillips), Mr Kittow and Mr Colville said they were agreed as set out in Schedule hereto.

As regards to the registration at Entry No. 19 oral evidence was given by Mr Andrew George Serpell in the course of which he produced the 1937 conveyance specified in Part II of the Second Schedule hereto and explained that because Baccamore Farm is southwest of the Unit Land, it is important to him that the registration should extend to the whole of Headon Down. At the time, I understood him to mean all the Unit Land except the Blue Land. When writing this decision it occurred to me that Mr A G Serpell may have overlooked that this Unit Land registration at Entry No. 19 as it now stands is over "the whole of the land comprised in this register unit", and that there may have been some confusion between it and the corresponding CL189 registration which is only "to stray" over the CL189 land. As appears from my CL189 decision dated 23 March 1984, I have no note or recollection of Mr Serpell asking me to treat his evidence given in these Unit Land proceedings as having been given in the said CL189 proceedings or of his taking any part at all in the CL189 proceedings. Mr C J Serpell should therefore consider making an application under the liberty to apply granted in my said CL189 decision.

Owing to other business I had not time on 18 October to hear any more about this Matter.

On 20 October Mr Grahame Dawes in the course of his oral evidence after referring to the map (FAVP/2) produced the 1967 conveyance specified in Part III of the Second Schedule hereto by which Major F A V Parker conveyed to WBBC (with other land) not only the part of the Unit Land lettered "B" on the Register map but also the north and greater part of the Central Strip of which no person is registered as owner; the land so conveyed was expressed to be subject "to all rights of common and ... affecting the same so far as they subsist and are capable of taking effect and in particular the common rights (if any) belonging to the Vendor as owner of the Delamore Estate".

1911

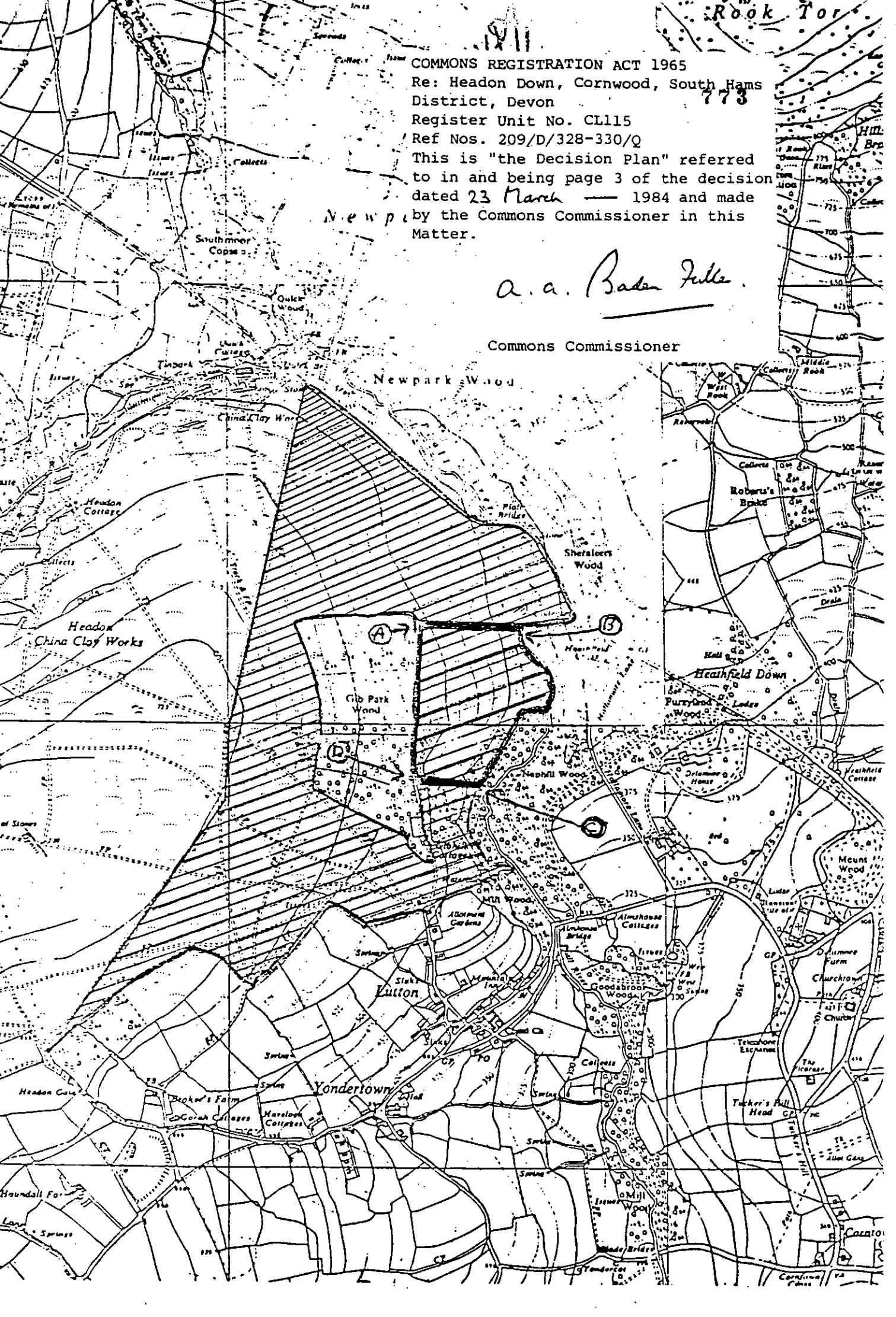
COMMONS REGISTRATION ACT 1965  
Re: Headon Down, Cornwood, South Hams  
District, Devon  
Register Unit No. CL115  
Ref Nos. 209/D/328-330/Q

This is "the Decision Plan" referred  
to in and being page 3 of the decision  
dated 23 March — 1984 and made  
by the Commons Commissioner in this  
Matter.

New p.c.

*a. a. Baden Fuller*

Commons Commissioner



Newpark Wood

Headon  
China Clay Works

Gib Park  
Wood

Yondertown

Sink  
Lutton

Heathfield  
Down

Churchton  
Farm

Tucker's Hill  
Head

Coarston



He said (in effect):- WBBC wished this part of the Central Strip to be included in their Ownership Section registration. They had no objection to the rights claimed over the part of the Unit Land lettered "B" on the Register map or over the said part of the Central Strip (coloured yellow on the map FAVP/2) subject to "the common rights proved"; by which he meant people coming forward and proving them or there being some agreement about them to which he on behalf of WBBC did not object. In principle WBBC were objecting to rights in general because they did not wish to be involved in any questions there might be about the Rights Section Entries. He then recapitulated the effect of the discussion so far had at the hearing as set out (with the prefix "D:-") in the Third Schedule hereto, as regards Entry Nos. 1, 2, 3, 6, 18 and 23.

Mr Michelmore continued the recapitulation as so set out (prefix "M:-") as regards Entry Nos. 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 17 and 23. He then gave oral evidence in support of Parker Objection No. 300 so far as it extended to the Land Section registration of the Blue Land, in the course of which he produced the 1961 lease (FAVP/4) specified in Part V of the Second Schedule hereto. He said that the Blue Land was let for the purposes of forestry and planted with trees and is fenced in. He claimed that because it was not open and unoccupied it could not be "waste land of a manor" within the meaning of the 1965 Act definition of common land. He submitted that if I was against this claim my decision should be such as would permit Major Parker to have a right over the Blue Land to plant trees and the commoners rights were subject to this and exclusive of any interest in the trees.

At my request Mr John Northmore Munfold of Middle Farm, Cornwood who has been a member for the last 15 years of the Cornwood Commoners Association and been their chairman for the last 6 months gave oral evidence, in the course of which he said (in effect):- He was born in the area about 51 years ago and had lived there ever since. From the point of view of grazing, he compared the Unit Land unfavourably with the other common lands in Cornwood; generally the grazeable grass was on the Lutton side. He then as regards the Rights Section registrations made the observations recorded in the First Schedule hereto about Entry Nos. 5, 7, 10, 11, 12, 13, 14, 15, 16 and 24.

Mr Philips in respect of the registrations at Entry Nos. 20 and 21 made on his application called no evidence and put forward no arguments. However at the hearing immediately before this one relating to Register Unit No. CL189 over which he had made similar registrations I had in mind the evidence and arguments he then put forward, as I think did many of those present at this Unit Land hearing who had then heard what he said. About these registrations Mr Michelmore submitted that generally it was quite unreasonable to suppose that to the lands mentioned in the registration at Entry No. 20 could be attached any rights over the Unit Land and he submitted that these registrations should not be confirmed.

On the day after the hearing I inspected the Unit Land: (a) by walking from the access near Lutton to the Central Strip in the course of which I had a general although somewhat distant view of the Blue Land and a view from the Central Strip of the part lettered "B"; (b) by walking from Quick Bridge via Headon Cottage to a short distance beyond; and (c) by walking along (? through) Headon Gate.



As to the Land Section registration:- Nobody at the hearing contended that any registered right of common should extend over the Blue Land. The evidence above summarised and its appearance are against the Blue Land being subject to any rights of common or if not so subject being waste land of a manor. My decision is therefore that as regards the Blue Land the registration should not have been made. It being apparent that the remainder of the Unit Land is subject to rights of common and is therefore properly included in a Land Section registration my decision is: I CONFIRM the Land Section registration at Entry No. 1 with the MODIFICATION that there be removed from the Register the land on the Decision Plan edged with a thick black verge line and thereon marked A, B, C, D (being the land ~~the~~ this decision called the "Blue Land"). As a consequence of this exclusion of the Blue Land all the Rights Section registrations will be subject to the modification that the rights registered will not extend over the Blue Land.

As to the Rights Section registrations:- Generally although I have some detailed information about some, I have little or no formal evidence about any. During my inspection, it appeared to me (as indicated by Mr Munford) that the only worthwhile grazing was on the east part (the lettered "A" land), and that the Unit Land became more barren as I walked up to the ridge, being more or less the Central Strip; the west part (the lettered "B" land) seemed (I did not walk about it much) to be roads buildings and works associated with mineral extraction and to be almost void of any grazable vegetation. So I am not surprised that Mr Dawes left me with the impression that WBB did not wish to be involved in questions; it being likely that calling of evidence and putting of arguments would not be worth the expense as the result may be no practical consequence. From my inspection I conclude (as seemed implicit in what was said at the hearing) that a registration not supported over the lettered "A" land should in the absence of some good reason (none was offered at the hearing) be avoided over the remainder.

The only registration particularly objected to was that at Entry No. 21 "in gross" on the application of Mr Ivor Phillips, see Objection No. 1131. A right essentially the same was considered by me in the before mentioned CL189 (Crownhill Down and part Headon Down) proceedings, about which I have given my decision dated 23 March 1984 avoiding such registration; such decision as regards the registration being mostly by reference to my decision dated 2 March 1984 re Penn Moor and Stall Moor (CL112). For the reasons stated in my said two decisions under the heading "Man of Devon", my decision in this Unit Land proceedings about said registration at Entry No. 21 is that it should not have been made and accordingly the Objection wholly succeeds. The circumstance that the County Council as Objectors offered no argument or evidence does not relieve me of considering the Objection on the application of the persons who attended the hearing and wished effect to be given to it.

By sub-section (7) of section 5 of the Commons Registration Act 1965, the Parker Objection No. 300 to the Land Section registration must be treated as an Objection of any Rights Section registration; it at least as regards the lettered "A" land, was notice to all concerned with the Rights Section registrations that they would be challenged at the hearing. There being no evidence or argument in support of the registrations my decision is that they were not properly made at least as regards the lettered "A" land, except so far as they were conceded or agreed as hereinbefore or in the First Schedule hereto set out. Additionally



against the registration at Entry No. 20, I have the reasons set out in my said CL189 decision about a right essentially the same.

As regards the Rights Section registration so far as they could extend over the land lettered "B" and over the Central Strip, those who are concerned to support them have no such clear notice that if not supported at the hearing they would be avoided. Nevertheless I am by the said sub-section (7) required to consider whether they were properly made. It does not necessarily follow that because they were not so supported they should as a course be avoided. WBB having made no Objection are not as regards their land in the same position as if they had made an Objection. The legal considerations which I think applicable are set out in my said Penn Moor and Stall Moor (CL112) decision under the heading "Pithill Farm".

Having regard to the appearance of the Unit Land during my inspection and as described at the hearing, I consider that my decision about each registration so far as it relates to the lettered "B" land and the Central Strip should be the same as my decision in relation to the lettered "A" land. My decisions for the Rights Section registrations are therefore as set out in the First Schedule hereto being either CONFIRM or CONFIRM with the MODIFICATION therein stated, or CONFIRMATION REFUSED. But because there may be persons who failed to attend the hearing believing that Parker Objection No. 300 would only effectively put in question the lettered "A" land, I give to any person concerned to support a registration as regards the lettered "B" land and the Central Strip liberty to apply, such liberty to be exercised as hereinafter stated.

Because so much of the decision relates to agreements of statements about which there may herein be some mistake or error I give a like liberty to apply to any person who might be affected by such mistake or error.

Any application under any liberty to apply herein granted could be made within THREE months from the date on which this decision is sent out (or such extended time as a Commons Commissioner may allow) and should in the first instance be by letter to the Clerk of the Commons Commissioners stating how this decision should be corrected and the applicants reasons for thinking it should be. A copy of the application should be sent to any person who might be adversely affected by the application being granted and for their information to the County Council as registration authority. As a result of the application a Commons Commissioner may direct a further hearing, unless he is satisfied that the needed correction is obvious and all those concerned are agreeable. Of such further hearing notice will be given only to those persons who on the information available to the Commons Commissioner appear to him to be concerned with the registration in question. Any person who wishes to be given notice of any such further hearing should by letter inform the Clerk of the Commons Commissioners as soon as possible specifying the registration a further hearing about which he might wish to attend or be represented at.

The Ownership Section is not the subject of these proceedings and I have therefore no jurisdiction to give effect to the claim made during the hearing that I should modify either the registration at Entry No. 1 or that at Entry No. 2 by extending it to include the parts of the Central Strip of which Major Parker and WBBC respectively claimed to be the owner. By my so declining jurisdiction they will not be prejudiced because when the County Council as registration authority have on the Register given effect to this decision (or any appeal from it), they will under section 8 of the 1965 Act have to refer to a Commons Commissioner the ownership of the Central Strip and such reference will be followed by a public hearing at which Major Parker and WBBC can offer evidence of their ownership of any part of it.



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  
(Rights Section registration)

No. 1

Andrew John Wotton; Great Stort, Sparkwell; tenant; cut bracken and rushes, graze 120 cattle, 400 sheep; over the whole of the land in this register unit.

Representation:- Mr A J Wotton was represented by Mr A R Colville (on 18 October only).

In a letter (FAVB/3) dated 28 September 1983 to the Commons Commissioner written by Michelmore Hughes on behalf of Mr Wotton, said that agreement had been reached providing that their client would limit his claim to graze 120 beasts and 400 sheep over the whole of the unit land except the Blue Land. On 18 October Mr Kittow and Mr Colville agreed that there was no relevant difference between "cattle" and "beasts" and that effect could be given to the agreement by allowing Entry No. 1 to stand and by disallowing altogether Entry Nos. 2 and 3. D:- as agreed on 18 October.

CONFIRM without any modification except such as is necessarily consequential on the removal of the Blue Land from the Register.

No. 2

Andrew John Wotton; part Great Stort Farm, Sparkwell; tenant, cut bracken and rushes, graze 360 sheep; over the whole of the land comprised in this register unit.

Representation and discussion as at Entry No. 1 above.

CONFIRMATION REFUSED

No. 3

Andrew John Wotton; land being OS Nos. 158, 979, 915, 976 and 977 in Cornwood; tenant; cut bracken and rushes, graze 160 sheep; over the whole of the land comprised in this register unit.

Representation and discussion as at No. 1 above.

CONFIRMATION REFUSED

No. 4

Lawrence John Bussell; Brokers Farm, Cornwood; owner; turbary, graze 100 sheep or 20 cows or 20 ponies; over that part of the land comprised in this register unit hatched in red diagonal lands and lettered "C" on the register map.

Representation:- Dr L J Bussell attended in person on 18 October only.

M:- Accepted this registration provided the Blue Land was deleted, but did not agree turbary (for which a decision is needed).

In the absence of any evidence or argument in support of turbary CONFIRM with the MODIFICATION in column 4 delete "turbary" and with the modification necessarily consequential on the removal of the Blue Land from the register.

No. 5

William Rex Palmer; part of Stert Farm in Sparkwell; tenant; stray 10 cattle, 50 sheep; onto the whole of the land comprised in this register unit.

Representation:- None.

M:- No right to "stray"; not as a right of common properly registerable; should be avoided altogether, or at least over all Major Parker's land including yellow on FAVP/2 map, or at least over the Blue Land.

In the absence of any evidence or argument in support of registration, CONFIRMATION REFUSED.

No. 6

Robert Lewis Skelley; in gross, owner; graze 30 cattle, 150 sheep; over the whole of the land comprised in this register unit.

Representation:- Mr Robert Edwin Skelley of Wotter Farm, Lee Moor, son of Mr R L Skelley (now deceased) was represented by Mr P W Harker.

D:- Registration should be refused. On 20 October Mr Harker agreed.

CONFIRMATION REFUSED.

No. 7

David Robert Henry Skelley; Yondertown, Lutton in Cornwood; owner; turbary, cut rushes and brack, graze 7 cattle or 25 sheep or any combination of one beast = 5 sheep; over the whole of the land comprised in this register unit.

Representation:- None.





M:- Registration should be avoided in the absence of Mr Skelley: see No. 5 above. Mr Munfold said that to him the fields owned by Mr Skelley seemed to have nothing to do with this registration.

In the absence of any evidence or argument in support of the registration,  
CONFIRMATION REFUSED.

No. 8

Norman Henry Blackler; Springfield Tenement, Cornwood; owner; turbary, cut bracken and rushes, graze 15 cattle, 45 sheep or equivalent one beast = 5 sheep; over the whole of the land comprised in this register unit.

Representation:- Mrs Marjorie Edith Goodman of Bohing, Gibb Hill, Luton as successor in title of Mr N H Blackler was represented by Mr P W Harker.

On 20 October Mr Harker and Mr Michelmores agreed the decision next hereinafter recorded. D:- agrees.

CONFIRM registration with the MODIFICATION in column 4 delete "turbary, to cut: bracken and rushes" and substitute "graze 24 ponies or 24 cattle or 120 sheep" for "graze 15 cattle 45 sheep or equivalent one beast = 5 sheep" and with the modification necessarily consequential on the removal of the Blue Land from the Register.

No. 9

William Rex Palmer; Sterts Farm, Hemerdon, Sparkwell; tenant; turbary, to cut bracken and rushes; graze 25 cattle 100 sheep any combination of one beast = 5 sheep; over the whole of the land comprised in this register unit.

Representation:- None.

M:- Sterts Farm is within about 100 yards of the telephone box at Hemerdon (about 3 miles southwest of the Unit Land), so the Unit Land is not conveniently grazeable from it; registration should be avoided.

In the absence of any evidence or argument in support of the registration  
CONFIRMATION REFUSED

No. 10

David Henry Honey; land at Hemerdon; tenant; turbary, cuts bracken and rushes, graze 20 cattle 50 sheep or any combination of one beast = 5 sheep; over the whole of the land comprised in this register unit.

Representation:- None.



M:- Land in Hemerdon is away from Unit Land (not easily grazeable from it), registration should be avoided, see No. 9 above. Mr Munford said he thought the tenancy was of the Woolcombe Estate.

In the absence of any evidence or argument, CONFIRMATION REFUSED

No. 11

Edgar Gordon Rendle and Joyce Rendle; Tarr Farm; owner; stray 50 cattle 1,000 sheep 10 ponies (or any combination of one bullock or one pony = 5 sheep); onto the whole of the land comprised in this register unit from that part of register unit No. CL112 known as Stall Moor.

Representation:- None.

M:- A right to stray was not a right of common registrable, see No. 5 above; it is not physically possible to stray onto the Unit Land from Stall Moor. Mr Munford said Torr (Tarr) Farm although in Cornwood is not near the Unit Land but on the other side of the parish; to get to the Unit Land from Stall Moor it would be necessary to cross Penn Moor.

In the absence of any evidence or argument in support, CONFIRMATION REFUSED.

No. 12

Albert Edward Williams; Mountain Inn, Cornwood; owner; estovers, piscary, pannage, turbarry, graze 12 ponies 12 bullocks; over the whole of the land comprised in this register unit.

Representation:- None.

M:- In my decision dated 11 July 1982 about Heathfield Down (CL113) I had refused to confirm a similar registration; in the absence of evidence confirmation of this registration should also be refused. Mr Munford said that the land at Mountain Inn was not such from which there could be grazing.

In the absence of any evidence or argument in support of the registration, CONFIRMATION REFUSED

No. 13

Elizabeth Anne Shepherd Balkwill; Nos. 1-5 Hillside, Lutton; owner; Turbarry, graze 20 sheep or ponies or cattle; over the whole of the land comprised in this register unit.

Representation:- None.



M:- The cottages had been sold off; in the absence of proof registration should be refused. Mr Munford confirmed the selling off.

In the absence of any evidence or argument in support, CONFIRMATION REFUSED

No. 14

Alan Edwin Pearse; Delamore Farm, Cornwood; tenant; graze 20 cattle; over the whole of the land comprised in this register unit.

Representation:- None.

M:- Mr Pearse is a tenant of Major Parker; Mr Munford agreed.

This being a possible quasi right of common, as to registerability of such rights, see my decision dated 13 February 1984 re Walkhampton Common (CL192) at page 24. CONFIRM without any modification except such as is necessarily consequential on the removal of the Blue Land from the Register.

No. 15

Robert Burns and Patricia Ann Burns; Crownhill Down Cottages, Sparkwell; owners; graze 2 ponies one cow and calf 2 pigs 6 geese; over the whole of the land comprised in this register unit.

Representation:- None.

M:- Query "2 pigs 6 geese"; in the absence of proof registration should be avoided. Mr Munford said that there are now no Crownhill Down Cottages, the former buildings being now dilapidated and unoccupied.

In the absence of any evidence or argument in support CONFIRMATION REFUSED.

No. 16

Sydney John Sandover; Birchland Farm, Sparkwell; owner; graze 90 cattle or 90 ponies or 450 sheep or any equivalent: 5 sheep = one beast; over the whole of the land comprised in this register unit.

M:- Birchland Farm is some distance from the Unit Land being a long way to the southwest; the Unit Land could not be from it conveniently grazed; he thought that Amex Exploration were concerned in this Farm. Mr Munford said that the Farm was just southwest of the Wild Life Park.

In the absence of any evidence or argument in support of this registration, CONFIRMATION REFUSED.

No. 17

Edgar Gorden Rendle; land at Lutton in Cornwood; tenant, graze 6 cattle or 6 ponies or 30 sheep or any proportionate combination; over the whole of the land in this register unit.



Representation:- None.

M:- Mr Rendle is a tenant of Major Parker and that except as regards the Blue Land the registration was accepted.

See No. 14 above as to quasi rights of common. CONFIRM without any modification except such as is necessarily consequential on the removal of the Blue Land from the Register.

No. 18

Phyllis Phillips, and Sparkwell OS Nos. 983 and 11 others; owner; turbary, estovers, graze 40 cattle 20 ponies 100 sheep; over the whole of the land comprised in this register unit.

Representation:- Mr F J W Hodgson of Neville Hoby & Co, Leslie and Godwin House, Hampton Street, Plymouth and Mr Malcolm Luscombe of Oxon Park, Meavy Lane, Yelverton as Trustees of the Phillips Will Trust were represented by Mr A R Colville on 18 October only.

On 18 October Mr Kittow mentioned a letter of 28 September 1983 to the Commons Commissioner from Michelmores Hughes written on behalf of the Trustees of Mrs P C Phillips Will Trust agreeing to reduce their claim to "25 beasts or 25 horses or 125 sheep (25 units under the NFU Scale)" over the whole of the Unit Land except the Blue Land, and Mr Kittow agreed this subject to the suggestion that the NFU Scale allowed for a greater variety of animals than mentioned in the letter. D:- agreed, so "turbary and estovers" are deleted. There being some doubt on 20 October as to whether this registration was agreed, I have a letter dated 20 October from Michelmores Hughes confirming that Mr Colville is willing to stand by the agreement previously notified to me. The NFU Scale shall be "one bullock equals one pony equals five sheep".

In accordance with the agreement CONFIRM the registration with the MODIFICATION that in column 4 substitute "To graze 25 beasts or 25 ponies or 125 sheep" for "Turbary, Estovers, to graze:- 40 cattle 20 ponies 100 sheep" and with such modification as is necessarily consequential on the removal of the Blue Land from the Register.

No. 19

Charles Douglas Serpell; Baccamore Farm, in Sparkwell; owner; graze 775 sheep or 155 bullocks; over the whole of the land comprised in this register unit.

Representation:- Mr C J Serpell of The Bungalow, Higher Baccamore Farm, Sparkwell as personal representative of Mr C D Serpell deceased, was represented by Mr A G Serpell.



I have the 1937 conveyance (AGS/1). On 20 October Mr Michelmore agreed this registration if the Blue Land was excluded. D:- agree registration as now except Blue Land should be excluded.

Accordingly, CONFIRM the registration without any modification except such as is necessarily consequential on the removal of the Blue Land from the register.

No. 20

Ivor Phillips; Ash Mill and part Ash Lands, Grenofen, Whitchurch; 8 Beechfield Avenue, Yelverton by Buckland Monachorum Corner, Yelverton, in Buckland Monachorum; and 1 and 1A West Park Road, Plymouth; owner; turbary, estovers, piscary, take stone, graze 68 stock units (NFU Scale); over the whole of the land comprised in this register unit.

Representation:- Mr Phillips attended in person on 18 October only.

This registration is essentially the same as the CL189 Rights Section registration at Entry No. 15. For the reasons hereinbefore stated at pages 5 and 6 and because as regards this Register Unit Mr Phillips offered no evidence or argument CONFIRMATION REFUSED.

No. 21

Ivor Phillips; in gross, Man of Devon; turbary, estovers, piscary, take stone, graze 68 stock units (NFU Scale); over the whole of the land comprised in this register unit.

Representation:- As at No. 20 above.

County Council Objection No. 1131, the right does not exist at all.

For the reasons hereinbefore stated at page 5, CONFIRMATION REFUSED.

No. 22

Cancelled

No. 23

Robert Edwin Skelley, Robert Lewis Skelley and Winifred Buller Skeller; Broomage Farm, Sparkwell; owners; stray 12 cattle or 60 sheep or any combination (one cattle beast = 5 sheep); onto the whole of the land comprised in this register unit from CL189, CL190 and CL205.



- 14 -

Representation:- Mr R E Skelley was represented by Mr P W Harker; his parents Messrs R L and W B Skelley are now deceased.

On 20 October Mr Harker and Mr Michelmore agreed that this registration should be modified as below set out. Mr Harker explained that Broomage Farm was to the northwest of the Unit Land, between Crownhill Down Cottage and Mudford Cottages, that is west of Broomage Waste.

In accordance with such agreement CONFIRM the registration with the MODIFICATION that in column 4 substitute "graze" for "stray" and delete "from CL189, CL190 and CL205" and with the modification necessarily consequential on the removal of the Blue Land from the Register.

No. 24

John Luckett; Lutton Farm, Cornwood; tenant; graze 94 cattle or 94 ponies or 470 sheep, or a proportionate combination; over the whole of the land comprised in this register unit.

Representation:- None.

M:- Mr Luckett was a tenant of Major Parker and the registration was acceptable subject to it not extending to the Blue Land.

From the considerations set out at No. 14 above, CONFIRM registration without any modification except such as is necessarily consequential on the removal of the Blue Land from the Register.

No. 25

Edward William Mudge; Cholwichtown Farm, Cornwood; tenant; graze 280 cattle or 280 ponies or 1,000 sheep (or a proportionate combination); over the whole of the land comprised in this register unit.

Representation:- Mr E W Mudge attended in person.

On 20 October Mr P J R Michelmore and Mr E W Mudge said they were agreed that the registration should be modified as below set out.

Pursuant to such agreement CONFIRM the registration with the MODIFICATION substitute "graze 20 cattle or 20 ponies or 100 sheep" for "graze 280 cattle or 280 ponies or 1,000 sheep" and without any other modification except such as is necessarily consequential on the removal of the Blue Land from the Register.

Nos. 26 to 30

Cancelled.



SECOND SCHEDULE  
(Documents produced)

Part I; produced 18 October 1983  
on behalf of Major F A V Parker

- FAVP/1            14 October 1983            Letter from chairman of Cornwood Parish Council agreeing to exclusion of 21.7 acres which has been planted with trees by Delamore Estate.
- FAVP/1            -                                Map showing lettered "A" part of the Unit bis            Land and the part of it coloured blue mentioned in the above 1983 letter.
- FAVP/2            -                                Map showing Unit Land with (1) lettered "A" part hatched red except blue land coloured blue (2) part lettered "B" hatched yellow and (3) Central Strip for the north and most of the part coloured yellow and the south part coloured red.
- FAVP/3            28 September 1983            Copy of letter to Commons Commissioner written by Michelmore Hughes on behalf of A J Wotton.

Part II; produced 18 October 1983  
by Mr A G Serpell

- AGS/1            25 March 1937            Conveyance by which Evelin Jane King and Henry Elliott Turner conveyed to Charles Douglas Serpell land containing 135a. 2r 36p. including the farm house "Baccamore" and "together with the grazing rights over the adjoining common appertenant to the said property".

Part III; produced 20 October 1983  
on behalf of WBBC

- WBBC/1            22 March 1967            Conveyance by F A V Parker with the concurrence of his Trustees to WBBC of part of Delamore Estate edged red and blue in the annexed plan subject "to all rights of common as therein generally referred to".



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Part IV; 20 October 1983  
on behalf of Major Parker

FAVP/4

25 March 1961

Lease by Major F A V Parker to Fountain Forestry Limited land described in the First Schedule edged pink on plan and let for 999 years including OS Nos. 1951 revision part 3039 and part 3070 at Heddon Down containing 15.10 and 6.30 acres.

Dated the 23<sup>rd</sup> day of *March* 1984.

*a. a. Bader Fuller,*

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Commons Commissioner