



COMMONS REGISTRATION ACT 1965

Reference Nos. 209/D/195-196

In the Matter of Henlake Down,  
Ivybridge, Devon (No. 2)

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DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 66 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No. 7 made by Mr F H Northmore and noted in the Register on 8 January 1969 and the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. VG 70 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Dartmouth on 22 May 1980. The hearing was attended by Mr J Broom, Solicitor, on behalf of the Devon County Council, the successor authority of the former Devon County Council, by whom the registration was made as registration authority without application, and by Mr N Butterfield, of Counsel, on behalf of Mr Northmore.

By a letter dated 12 May 1980 the County Council informed Mr Northmore's agents that the application for the registration would not be pursued.

In these circumstances I refuse to confirm the registration.

Mr Butterfield asked for an order for costs against the County Council. This registration was the subject of correspondence between Mr Northmore's solicitors and the former County Council between 1967 and 1973. The matter then went to sleep until 27 February 1980, when Mr Northmore's solicitors wrote to suggest that the parties might agree that the registration should be "withdrawn". This letter was not answered until 12 May 1980. Meanwhile Mr Butterfield's brief had been delivered on 29 April 1980. The failure to answer the letter of 27 February 1980 in less than 2½ months was, in my view, unreasonable. I shall therefore order the County Council to pay Mr Northmore's costs on County Court Scale 4.

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

7<sup>th</sup>

day of

July

1980

Chief Commons Commissioner