



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/400
209/D/401

In the Matter of part (about 120 acres
to the south) of Easdon Down, Manaton,
Teignbridge District, Devon

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and at Entry Nos 1 to 8 inclusive (No. 1 having been replaced by Nos. 18, 19, 20, 21 and 22 and No. 4 having been replaced by Nos 15, 25, 27 and 28) of the Rights Section of Register Unit No. CL110 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No. 607 made by H W Butterworth and noted on the Register on 17 December 1970 and by Objection No. 746 made by Devon County Council and noted in the Register on 6 January 1971.

I held a hearing for the purpose of inquiring into the disputes at Exeter on 13 March 1984. At the hearing (1) Mrs Jane Gilliam Beeson on whose application the registration at Entry No. 6 was made, was represented by her husband Mr C W R Beeson; (2) Mr Hedley Frederick Pearce on whose application with Mrs Gwendoline Joyce Pearce the registration at Entry No. 18 was made, attended in person and as representing her; (3) and (4) Mr C D Pike and Mrs Anthea Mary Hewitt on whose application the registrations at Entry Nos. 22 and 28 were respectively made, were represented by the said Mr Pearce; and (5) Manaton Parish Council were represented by Miss M E Bindloss their chairman. Mr Pearce said that Mrs Hewitt was also interested in the registration at Entry No. 21, and that he also represented Mrs Linda Rae as another successor in the title of Mr J L Troulan on whose application the registration at Entry No. 1 was made.

The land ("the Unit Land") in this Register Unit adjoins on its north side a larger tract being the remainder of Easdon Down (comprised in Register Unit No. CL147). The grounds of Objection No. 607 are that: "the land was not common land at the date of registration and no common rights exist over it". The grounds of Objection No. 607 are "that the rights registered (meaning those at Entry No. 1) should be exercised over the whole of Easdon Tor Common onto which the original claimants land (now partly mine) abuts; amend to attach right to Easdon Tor Common in the parishes of Manaton and North Bovey; that, the right should refer to fewer and other animals; amend to read 120 cattle 40 ponies 250 sheep". There is no Ownership Section registration.

The Clerk of the Commons Commissioners received: (1) letter dated 28 February 1984 from Mr Pearce in effect claiming that the registration at Entry No. 1 inadvertently referred to only one portion of the Down and should be modified (to refer to the whole); and (2) copy of a letter dated 3 March 1984 sent by the County Council to Mr Greenaway of Vogwell Farm (Entry No. 2) saying: "... the County Council as registration authority will not be pursuing its objection to the registration of this land".



At the hearing, Mr Pearce said (in effect):- Easdon Down is a common which falls within two parishes, North Bovey and Manaton; the Unit Land is the part in Manaton; the other part in North Bovey is another Register Unit (No. CL147). The Down is completely undivided, so stock which are turned out on one part can gain access to the other. So the first of the grounds of Objection No. 607 is correct; the registration at Entry No. 1 should extend over the North Bovey part (CL147). He was not concerned with the second of the grounds which in effect claimed that the numbers as now registered (150 beef cows or 300 sheep) should be altered by reducing the cattle and sheep and including ponies).

There was some discussion during which I understood all present agreed that the Unit Land was common land and that the Unit Land Rights Section was as regards it, as it should be. The trouble was that although the registrations at Entry Nos. 2 to 8 inclusive (Nos. 15, 25, 27 and 28 replacing 4) were all repeated in the CL147 Register, neither the registration at Entry No. 1 nor those at Entry Nos. 18, 19, 20, 21 and 22 replacing it, were so repeated. In my opinion in these proceedings relating to the Unit Land being Register Unit No. CL110, I have no jurisdiction to deal with any rights which are or might be over the part of Easdon Down in North Bovey, being Register Unit No. CL147. Understanding that all present (on the basis of this opinion) agreed, and considering that I could properly act on their agreement (the County Council having withdrawn as aforesaid), I confirm the Land Section registration at Entry No. 1 and the Rights Section registration at Entry Nos. 1 to 8 inclusive (replaced as aforesaid) without any modification.

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 23rd day of August 1984

A. A. Baden Fuller

Commons Commissioner