



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/123

In the Matter of parts of Buckfastleigh Moor, West Buckfastleigh

DECISION

This reference relates to the question of the ownership of parts of Buckfastleigh Moor being the parts of the land comprised in the Land Section of Register Unit No. CL.146 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 Mr Russell John Reynolds Ashford claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Exeter on 26th July 1995.

The hearing was attended by Mr Ashford, Mrs Rita C Ashford and Miss R Roberts (a Rights holder).

This matter has a prolonged history. By my Decision of 11th April 1994 I removed a piece of land from this Register Unit to resolve the conflict which existed between Rights Entry No. 66 and Entry No.1 in the Land Section.

Previously at a hearing on 23rd January 1990 I had been unable to adjudicate on Mr Ashford's claim to the two pieces of land to which this reference relates owing to the existence of the conflict between the entries in the Rights and Land Sections. Nevertheless in my Decision dated 22nd March 1990 I recorded that Mr Ashford had produced to me at the hearing the following documents:-

- (i) Original Conveyance dated 30th December 1914
- (ii) Copy Conveyance dated 22nd December 1938 made between (1) G M Michelmores Edith Tollit and H G Michlemore and (2) B G Shorland
- (iii) Original Conveyance 19th March 1980 and made between (1) B G Shorland and (2) Mr Ashford.

Copies of the two latter documents were retained in our files and were before me at the present hearing.

By the Conveyance of 1980 there was conveyed to Mr Ashford inter alia the area of Down and Grazing land (part of the waste or demesne lands of the Manor of Buckfastleigh) containing .780.429 acres more particularly described in the Second Schedule and for the purpose of identification only shown edged green on plan "B" annexed thereto.

Mr Ashford told me that the two pieces of land to which this reference relates were not included within the green edging on plan B. Both pieces were nevertheless included in the Second Schedule to the 1980 Conveyance under the description O.S. Nos. 98A and 99.

As the plan was expressly "for identification only" this is a case where the verbal description takes precedence over the plan.



Miss Roberts said that she was satisfied as to the boundary.

No-one present at the hearing disputed Mr Ashford's claim.

On this evidence I am satisfied that Mr R J R Ashford is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register him as the owner of the land under section 8(2) 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

7th

day of

August

1995

Martin Rott

Chief Commons Commissioner