



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/318

In the Matter of Plaster Down in
Whitchurch, Horrabridge and Sampford
Spiney, West Devon District, Devon

DECISION

These disputes relate to the registrations at Entry Nos. 20, 21, 57 to 74 inclusive, 80, 108, 109 and 111 in the Rights Section of Register Unit No. CL 84 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No. 791 (Entry Nos. 20 and 21) made by Devon County Council and noted in the Register on 18 January 1971 and by Objections No. 955 and No. 956 (the other Entry Nos.) made by Whitchurch Commoners Association and noted in the Register on 3 February 1972.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 22 June 1982. At the hearing (1) Whitchurch Commoners Association was represented by Mr D M Crocker, solicitor of Bellingham & Crocker, Solicitors of Plymouth, they being instructed by Captain E T G Madgwick as chairman of the Association; and (2) Lady Sylvia Rosalind Pleadwell Sayer on whose application with Vice Admiral Sir Guy Bouchier Sayer the registration at Entry No. 20 was made, attended in person on her own behalf and as representing him.

The land ("the Unit Land") in this Register Unit is a tract containing about 248 acres irregularly shaped being about a mile long from north to south and situated north, west and south of Plaster Down Camp, being Register Unit No. CL 210 about which I have given a decision of even date reference 209/D/317. In the Rights Section of this Register Unit there are 83 registrations in addition to those in dispute as above mentioned, all of which and also the Land Section registrations and the Ownership Section registrations (the Secretary of State for Defence as owner of the northern part, about 5/6ths of the whole and Flight Lieutenant Harry Bartholomew as owner of the rest) being undisputed have all become final.

The registration at Entry No. 20 (Admiral & Lady Sayer) is the same in all relevant respects as the registration at Entry No. 46 in the Rights Section of Register Unit No. 85, Whitchurch Common, reference 209/D/13, about which I held a hearing before this hearing and have given a decision of even date confirming the No. 46 registration. Lady Sayer said that in relation to the Unit Land she had received from the County Council a letter dated 3 June 1981 mentioned in my said decision; and that as to her letter (yellow form) dated 27 March 1971 addressed to the Clerk, to the Council, County Hall about Objection 791 agreeing her Entry No. 20 being cancelled, she had signed it by mistake thinking it referred to Plaster Down Camp (Register Unit No. CL 210). In all other respects in relation to this registration what happened at this hearing was the same as what happened at the Whitchurch Common hearing. I accept Lady Sayer's statement that she signed the yellow form by mistake and shall therefore disregard it; for the reasons set out in my said decision of even date I confirm that the registration at Rights Section Entry No. 20 without any modification.



- 2 -

The registration at Entry No. 21 was made on the application of Mr David Miller Scott of a right attached to the Village Farm, Holme is in all relevant respects the same as the registration at Entry No. 47 in the Whitchurch Common Rights Section. The considerations set out in the preceding paragraph are equally applicable, and accordingly I confirm the registrations at Rights Section Entry No. 21 without any modification.

The grounds of Objections Nos. 955 and No. 956 are that the rights do not exist at all. The registrations to which these objections refer are with the exception of that at Entry No. 111, the same as the registrations at Entry Nos. 123 to 140 inclusive, 146, 175 and 176 in the CL 85 (Whitchurch Common) Rights Section, confirmation of which I have in my said decision of even date refused. For the reasons set out in my said decision I refuse to confirm the registrations in this register unit at Rights Section Entry Nos. 57 to 74 inclusive, No. 80, No. 108 and No. 109.

The registration at Entry No. 111 to which Objection No. 956 is also applicable, was made on the application of Dr John Harold Capon of rights attached to part Foxhams in Horrabridge. I have a letter (yellow form) dated 23.2.72. addressed to the Clerk of the Council and signed by Dr Capon in which referring to Objection 956 he agrees to his registration at Entry No. 111 being cancelled. In the absence of any evidence in support of the registration and having regard to this letter I refuse to confirm the registration at Rights Section Entry No. 111.

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 11th — day of July — 1983

a. a. Baden Fuller

Commons Commissioner