



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/197
to 200 inclusive

In the Matter of the Valley of
the Rocks, Lynton, North Devon
District ~~Commons~~ Devon

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL 198 in the Register of Common Land maintained by the Devon County Council and at Entry No. 1 in the Land Section of Register Unit No. VG 27 in the Register of Town or Village Greens also maintained by the said Council; and are occasioned by the said CL and VG registrations being in conflict and by Objection No. 213 made by Lynton Urban District Council and noted in the Register on 16 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Barnstaple on 25 March 1981. At the hearing Lynton Town Council were represented by Mr J Bradley solicitor of the North Devon District Council; and Mr Edward Henry Stanbury on whose application the Rights Section registration was made, was represented by Mr G L Watts solicitor of Brewer & Barnes, Solicitors of Barnstaple.

Mr Bradley explained that he represented the Town Council as successors in this Matter of the former Urban District Council who made the Objection, and had no instructions from his own (the present District) Council; he also explained that he had a watching brief for the County Council as registration authority.

The right registered is attached to Six Acre Farm "to graze 100 units (NFU Scale) over the whole of the land comprised in this Register Unit". The grounds of the Objection are: "that the land was not common land at the date of registration".

Mr Watts produced a conveyance dated 29 September 1926 by which Major E H Bailey with the concurrence of trustees conveyed to Mr Ernest James Stanbury Six Acre Farm containing about 248 a. 3r. 36p. as therein described "Together with the exclusive right of grazing cattle horses sheep and other animals on a piece of ... land ... being part of the Valley of Rocks numbered 1355 and 1354 on the Ordnance Map ...". He also produced an OS map which showed Nos 1355 and 1354 (together 134.326 acres) as co-extending with the land (about 142 acres) in Register Unit No. CL 198 (all except OS Nos 1340, 1341, 1342 and 1379 together 7.327 acres).

Mr Bradley conceded that the Objection failed. I conclude therefore that in the absence of evidence^{ne} registration was properly made, this being the result which would follow under section 7 of the 1965 Act if there had been no objection and no VG registration.



- 2 -

Mr Bradley claimed that as between VG and the CL registrations, in the absence of evidence, preference should be given to the VG registration. This registration is of about 45 acres north of the road, including Castle Rock and Rugged Jack. This claim being in accordance with the public interest, I conclude accordingly.

Having regard to the discussion at the hearing as to how I should give effect to my concessions as set out in the preceding two paragraphs, and it being the agreed intention that there is only one grazing right notwithstanding that the land over which it is exercisable only as a result of these proceedings be in part registered in the CL Register and in part in the VG Register; and having regard of the agreement that the expression "Units (NFU Scale)" should be translated, my detailed decision is as follows:-

I confirm the registration at Entry No. 1 in the Land Section of Register Unit No. CL 198 with the modification that there be removed from the Register the land comprised in the Land Section of Register Unit No. VG 27. I confirm the registration at Entry No. 1 of the Land Section of Register Unit No. VG 27 without any modification. ~~I confirm the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 198 with the modification that for the words in column 4 there be substituted:- "To graze 100 cows or 75 cattle of 2 to 3 years, or 50 cattle of 1 to 2 years, or 25 cattle under 1 year or 17 sheep over 1 year or 8 sheep under 1 year so that the numbers of animals grazed under the right registered in the Rights Section of Register Unit No. VG 27 shall be brought into account against the number of animals grazed under the right registered in this Register Unit so that in the result at any one time the total number of animals grazed under both such rights shall not exceed the numbers herein before specified". And I confirm the registration which under regulation 14 of the Commons Registration (General) Regulations 1966 is deemed to have been made in the Rights Section of Register Unit No. VG 47 by reason of the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 198 with the result that in accordance with regulation 4 of the Commons Registration (Disposal of Disputed Registrations) Regulations of 1972 the said CL 198 registration will be transferred to the VG 47 Rights Section with the modification that the words in column 4 will ~~be~~ accord with the words above set out from "To graze 100 cows or 75 cattle ..." to "... the numbers herein before specified", save for "VG 27" there ~~shall~~ be substituted "CL 198".~~

When preparing this decision, it occurred to me: (a) that the words "17 sheep over 1 year or 8 sheep under 1 year" which I noted at the hearing had been agreed as being in accordance with the NFU Scale may be a mistake for "600 sheep over 1 year (2 lambs under 1 year counting as 1 sheep)"; and (b) that the Rights Section registration should not extend over the OS Nos above mentioned and totalling 7.327 acres; and (c) that because horses are mentioned in the 1926 conveyance my note that they were not to be included in the registration, may be a mistake. As regards these matters I give any person represented at the hearing liberty to apply within 6 weeks from the date on which notice of this decision is sent to him; any such application should in the first instance be made by letter to the Clerk of the Commons Commissioners.



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 5/11 ——— day of May ——— 1981

a. a. Baden Fuller

Commons Commissioner