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COMMONS REGISTRATION ACT 1965

Reference No. 209/D/325

In the Matter of the Village
Green, Sourton, West Devon
District, Devon

DECISION

These disputes relate to the registrations at Entry No. 2 and No. 3 in the Rights Section of Register Unit No. VG 24 in the Register of Town or Village Greens maintained by the Devon County Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 8 March 1983. At the hearing Lt. Col. Vincent Warwick Calmady-Hamlyn on whose application the registration at Entry No. 3 was made, was represented by Mr J P Hastings, chartered surveyor of Stratton & Holborrow, Chartered Surveyors and Land Agents of Exeter.

The registration at Entry No. 2 was made on the application of Mr David Claude Ball: it is in conflict with that at Entry No. 3 because both relate to Fords Farm of which Col. Calmady-Hamlyn is the owner and Mr Ball is tenant. Mr Hastings produced a paper signed by both of them agreeing that the conflict be resolved by Mr Ball's application as tenant being withdrawn. Mr Hastings also agreed to the No. 3 registration being modified as below stated. In these circumstances I refuse to confirm the registration at Entry No. 2, and I confirm the registration at Entry No. 3 with the modification that in column 4 there be deleted: "Turbery, Piscary, Estovers, To take sand, gravel & stone"; so in the result the registration will be of a right "to graze 22 stock units (NFU Scale) over the whole of the land in this Register Unit."

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 13th day of October — 1983

a. a. Bada Fuller

Commons Commissioner