



In the Matter of West Anstey Common  
 (including Anstey Rhiney Moor, Guphill  
 Common, Anstey Money Common, Woodland  
 Common and part Twitchen Common) North  
 Devon D

DECISION

These disputes relate to the registrations in the Land Section, the Rights Section and the Ownership Section of Register Unit No. CL 143 in the Register of Common Land maintained by the Devon County Council.

The dispute at to the Land Section, Entry No. 1 is occasioned by Objection No. 529 made by E J and G E Nicholls noted in the Register on 3 March 1971, which also constitutes an Objection to the registrations (Entries Nos. 1 to 10) in the Rights Section. There are also further Objections to Entries in the Rights Section viz. (a) Objection No. 603 made by Mr L J Earl noted in the Register on 17 December 1970 (b) Objection No. 604 made by Mr J W J Milton noted in the Register on 17 December 1970 and (c) Objection No. 584 made by Mr O P J Weaver noted in the Register on 3 March 1971. All three are Objections to Entry No. 1, and Objection No. 604 is also to Entry No. 7.

In the Ownership Section there are four Entries of which No. 4 has become final. To Entry No. 1 (Mr J W J Milton) there is an Objection No. 642 made by the Executors of W S Whitmore noted in the Register on 3 March 1971. In addition there are conflicts between Entries Nos. 1 and 2 (Mr E M Harrison) and between Entries Nos. 2 and 3 (Badgworthy Land Co. Ltd.).

I held a hearing for the purpose of inquiring into the disputes at Barnstaple on 25 November 1981. The hearing was attended by (1) Mr C M B Sessions, Solicitor, appearing on behalf of West Anstey Parish Meeting, (the applicant for registration in the Land Section), of Mr J W J Milton and of the applicants (including Mr Milton) for registration at Entries Nos. 5, 6, 7 and 8 in the Rights Section: (2) Mr P F Pugslev, Solicitor, appearing on behalf of the Objectors Messrs Nicholls, and of L J Earl (Objection 603 and applicant for registration at Entry No. 9) and of Mr P J Vesey (part successor to Mr Earl): (3) Mr E J Duffy, Solicitor, appearing on behalf of Mr O P J Weaver (Rights Entry No. 2): (4) Mr P Miles, Solicitor, appearing on behalf of Mr H M J Harrison (successor to E M Harrison): (5) Mr R M Humphreys, Secretary of and representing Badgworthy Land Co. (6) Mr G Davis, Solicitor, appearing for Mr C B George (successor to the applicant for Rights Entry No. 1).

Objection No. 529 relates only to part of the whole common ("the Unit land"), this part being the south-eastern section known as Woodland Common of which the Objectors are registered as owners. Some of the Rights Entries (Nos. 2, 3, 5 and 6) do not extend to Woodland Common. Evidence was given on behalf of the Parish Meeting, of Mr George and of Mr Burton, and also on behalf of the Objectors.

There is no need to consider the evidence since ultimately the parties concerned accepted the Objection. Ms P J Tuckett, the applicant for registration at Entry No. 4 in the Rights Section was not present or represented at the hearing and in the absence of evidence to establish the right I must, I think, regard the Objection as successful in its application to her right. In the result, on this part of the case, I shall exclude Woodland Common from the land registered in the Land Section.