



COMMONS REGISTRATION ACT 1965

Reference No. 210/U/49

In the Matter of Haythorn Common,
Horton, Wimborne District, Dorset

DECISION

This reference relates to the question of the ownership of land containing about 9.31 acres known as Haythorn Common, Horton, Wimborne District being the land comprised in the Land Section of Register Unit No. CL17 in the Register of Common Land maintained by the Dorset 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 Miss P A Welch claimed (her letter dated 26 October 1979) about 3 acres of the land in question and Robert Thorne Limited claimed (their Solicitors' letter of 15 May 1980) that they owned part. No other person claimed to be the freehold owner of the land or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Poole on 18 June 1980. At the hearing (1) Robert Thorne Limited were represented by Mr S S Payne solicitor with J W Miller & Sons, Solicitors of Broadstone; and (2) Miss P A Welch attended in person.

For the purposes of exposition, I divide the land into two parts: (A) the part ("the Northwest Part") situated northwest of the road which from the village of Horton runs across the land northeastwards to Woodlands and thence to Cranborne via Edmondsham; and (B) the part ("the Southeast Part") situated to the southeast of the said road.

Mr Payne produced a conveyance dated 30 July 1951 by which The Shaftesbury Estates Company conveyed to Robert Thorne Limited First lands known as Ivory Hill Copse, Haythorn Copse and Haythorn Common containing about 25.514 acres particular whereof were set forth in Part I of the First Schedule and which were delineated on the plan annexed and thereon coloured yellow and brown.

Miss Welch in the course of her evidence claimed ownership of the Southeast Part, under a conveyance of 7 October 1972. She described it as a piece of grass land of about $2\frac{1}{2}$ acres bordered on two sides by houses and buildings (the lands held therewith) and bordered on the other side by the said road. I adjourned the proceedings as regards her claim until the following day when she attended, and produced; (1) the said conveyance by which Mr E R and Mrs L O Tubbs conveyed to her Miss Welch OS No. 7376 and delineated on the plan annexed and thereon edged yellow; (2) a conveyance dated 11 April 1972 by which Mr C J Thorne conveyed to Mr and Mrs Tubbs Secondly the same OS No. 7376; (3) a copy certificate of the death of Mrs M A Thorne on 2 December 1969; and (4) an examined copy of a conveyance dated 25 April 1951 by which the Shaftesbury Estates Company conveyed to Mr C J and Mrs A M Thorne Secondly lands containing 169.827 known as Woodlands Dairy Farm as described in Part 2 of the First Schedule and on Plan No.2 numbered "48" and coloured pink.



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By comparing the Register map with the plans annexed to the said two 1951 conveyances and to the two 1972 conveyances, I identify the Northwest Part with plots Nos. 38 and 47A referred to in the 1951 Robert Thorne Limited conveyance (therein said to contain 6.370 acres); and the Southeast Part with OS No. 7376 mentioned in the 1972 conveyances (therein said to contain 4.75 acres) and as being included in the pink land mentioned in the 1951 Mr and Mrs Thorne conveyance. I am therefore satisfied that Robert Thorne Limited and Miss Welch are respectively the owners of the Northwest Part and the Southeast Part and I shall accordingly direct Dorset County Council as registration authority to register (A) Robert Thorne Limited of Station Road, Verwood, Wimborne, Dorset and Miss Patricia Ann Joan Welch of Haythorn, Horton Common, Wimborne, Dorset as the owners of the said parts and I shall in my direction define the boundary between such parts as the middle line of the carriageway as now made up of the said road.

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 22nd — day of July — 1980

a. a. Bader Juller

Commons Commissioner