

COMMONS REGISTRATION ACT 1965

Reference No. 210/D/524-526

In the Matter of the tract of about 26.0 acres
in the locality of the parish of Tarrant Keynston

DECISION

This dispute relates to the registration at Entry no. 203 in the Land Section of Register Unit No. CL 203 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 1004 made by T P and M S Tory and Objection No. 1259 made by Dorset County Council and both noted in the Register on 19 January 1973 and the deemed dispute as to the Registration at Entry Nos. 1, 2 and 5 in the Rights Section of the Register Unit No. CL 203 in the Register of Common Land occasioned by Objection Nos. 1004 and 1259 made by T P and M S Tory and Dorset County Council respectively in the Land Section and noted in the Register on 19 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 24 June 1980. The hearing was attended by Major N M Anderson and Messrs T P and M S Tory.

The original application for registration of the unit CL 203 as Common Land had been made by Lieut General Sir Richard Anderson, who lived at Tarrant Keynston House and who had died in 1979. His son, Major N M Anderson appeared in support of his late father's application, which also included the normal right of common of pasture including grazing (2 horses, 10 sheep). Mr W T Hathaway of The Farm, Tarrant Keynston claimed the right to ~~run~~ a *feed* flock of 200 sheep during the day time over the whole of the unit and Mr E E Wells of Hill Farm, Tarrant Keynston claimed the same right in respect of 300 sheep.

The Objection of the Dorset County Council had been withdrawn by a letter dated 14 April 1980 and addressed to the Commons Commissioners.

Miss Cameron instructed by Messrs Ford Cunningham and Co., Solicitors of Marlborough appeared for the ~~the~~ *other* objectors, Messrs T P and M S Tory. Major Anderson produced the Conveyance of Tarrant Keynston House to his father dated 24 April 1965. He had been present during the ~~registrations~~ *negotiations* for the purchase when his father had been told by the Vendor that the owner of Tarrant Keynston House had the right to graze sheep on the unit. CL 203 was unfenced. He understood that it had been ploughed up during the war. No one had any sheep at that time so no one had thought of stopping the ploughing. He produced a letter dated 18 January 1973, written to his father by Dorset County Council and informing him that Mr Tory did not intend to fence the unit. Neither he nor his father had even grazed sheep on the unit but he might possibly decide to graze sheep there in the future. There was no mention of any grazing rights in the Conveyance.

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Mr P S Tory who had given evidence in a previous case (CL 235) gave evidence for the objection^{ors}. He was born in 1905 and had lived in the district all his life. His family had owned Abbey Farm since 1921 and CL 203 had always been farmed as part of Abbey Farm. On three sides of the field there were hedges. Just before 1939 a two strand electric wire fence had been erected along the boundary with the road. This wire fence was taken down in 1940. Two years later the land was derequisitioned and the owners were ordered to plough it up. His family's sheep had fed off the root crops. He had never seen horses or any one else's sheep grazing on CL 203. In 1974 he left a grass strip at the edge of the field for the benefit of riders.

Neither of the other applicants in respect of rights appeared or gave evidence but it is apparent from the terms of their respective applications that they are based on the passage in the sale particulars of the Drax Tarrant Crawford Estate which appeared in 1919 that Keynston Tenants might feed their flock of sheep during the day on Abbey Croft Down (CL 235) and drive them home at night.

My conclusion on the evidence is that the case for registration fails, there being no evidence that any such rights are claimed ever existed.

For these reasons I refuse to confirm the registration.

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

8th

day of

September

1980

George H. H. H.

Commons Commissioner