



In the Matter of the tract of about 5.2 acres called
East Halves, in the Parish of Corfe Castle

DECISION

This dispute relates to the registration at Entry No. 38 in the Land Section of Register Unit No. CL 38 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 190 made by the said County Council, Objection No. 329 made by the Trustees of Corfe Castle Estates and Objection No. 436 made by H J R Bankes Esq and all noted in the Register on 28 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Poole on 10 July 1980. The hearing was attended by the following, Mr R N Broome appeared for the Corfe Castle Parish Council. Mr Pitt of May May and Deacon, Solicitors of London appeared for the Trustees of the Corfe Castle Estates and Mr Palmer of Messrs Gregory Rowcliffe and Company also of London appeared for Mr Bankes. Mr Harper (Solicitor) appeared for the County Council.

Mr Broome limited his claim to the southern part of the Register Unit excluding the area shown edged red on the plan accompanying the County Council's objection which I was informed has been fenced off and has been acquired by the County Council and is now a Schools Playing Field. This area includes the two small plots in respect of which Mr Bankes' objection was made.

Mr Spiller stated the East Halves except for the area of the playing field was still being grazed between Michaelmas and Lady Day.

It was submitted on behalf of the objectors that East Halves was either subject to rights of common or waste land of a manor. The arrangements for grazing between Lady Day and Michaelmas Day were for convenience only and needed no legal rights. Mr Broome argued that his clients' claim were supported by the evidence.

Although the area now used as school playing fields, which is shown edged red in the plan annexed to Objection No. 190 amounts to about half of the whole area of the registration unit CL 38, and three individuals sets of Land holders were involved as vendors to the County Council, this does not in my view prevent me from coming to the conclusion that I should otherwise have reached on the evidence that the right of the holder of a Land on East Halves to pasture beasts during winter untethered on any part of the whole area of East Halves did not arise out of any private arrangement but was a true right of common which continued to be exercised down to the date when the application was made.

For these reasons I confirm the registration with the following modification—that the area shown edged red on the plan accompanying Objection No. 190 be excluded from the Registration 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

6th

day of

October

1980

John Haskell

Commons Commissioner