



COMMONS REGISTRATION ACT 1965

Reference 213/D/143 to 154

In the Matter of The tract of land known as
May Hill (part) in the parish of Longhope
Forest of Dean D.

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section and Entries Nos 1 and 2 in the Rights Section of Register Unit No.CL.186 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No Ob 31 made by the National Trust and noted in the Register on 8 June 1970, Objection No Ob 34 made by the Trustees of Mrs M Freeman's Settlement and noted in the Register on 8 June 1970 Objection No Ob 43 made by Mr M H Pringle-Nicholson and noted in the Register on 18 September 1970, Objection No Ob 50 made by Mr S Shelley and noted in the Register on 19 April 1971, Objection No. Ob 67 made by Mr H F Langslows and noted in the Register on 19 April 1971, Objection No. Ob 251 made by Mr Freeman and noted in the Register on 15 February 1972.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 18 October 1978. The hearing was attended by Mr O Stirling Lee on behalf of the National Trust Mr B E Jellie of Messrs. Harnes and Son on behalf of Mr S Shelley, Mr N A Smith of Messrs. Vowles Jessop and Keen on behalf of Mr F O McGough, Mr M Freeman on behalf of himself and the Trustees of the Mrs M Freeman Settlement, Mr Morgan the Clerk to the Longhope Parish Council on behalf of his Council and Mr Richards in person.

All the Objections were to the Entry in the Land Section and consequentially to the Entries in the Rights Section on the footing that each of the Objectors owned part of the Unit Land which was neither subject to common rights nor waste of a manor.

There were two Entries in the Rights Section No. 1 made by E J Huggins for the benefit of Hay Farm by which he claimed that his Entry No 13 in the Rights Section of Unit No.CL.50 included the right to graze on this unit. Mr Richards who recently acquired Hay Farm appeared in person and had very little local knowledge. By good fortune the next case to be heard related to CL.50 and I received valuable assistance from those present at the hearing concerned with CL.50.

It was not disputed that Hay Farm is entitled to Rights on CL.50. However, Mr Trevor Lane gave evidence that his father used to own Yew Tree and the acres adjoining CL.50 and had and annexed rights on that common and he said that the Commoners on CL.50 knew that they had no rights on the land registered as CL.186 which was separated from CL.50 by a wall.

Mr Watkins the Chairman of the Commoners Association for the Aston Ingham side of May Hill said his father and a Mr Chapham grazed the unit land after the war but this apparant conflict between Mr Watkins and Mr Lane was resolved by Mr Baty the acting land agent for the War Agricultural Committee who said that Mr Watkins and Mr Chaphams graze was by arrangement with his Committee during the period between the end of the war and the time when it was handed back to the owners.



Mr Lee produced two conveyances made in 1935 whereby approximately 131 acres part of the Unit Land were conveyed to the National Trust and this land was leased to C P Ackers for a term of 42 years from the 25 December 1939.

Such grazing as there has been on the unit land since its derequisition after the war has been by arrangement with the various owners.

On this evidence I have come to the conclusion that Mr Huggin's Entry in the Rights Section of this unit was misconceived and that his rights on CL.50 did not extend to this Unit Land and I refuse to confirm Entry No 1 in the Rights Section.

Entry No 2 in the Rights Section made by S MacDougal was for rights over this unit land included in his Entry No 1 in the Rights Section of Unit No. CL.392. The Entry No 1 on Unit CL.392 is now void and it follows that Entry No 2 on this unit must also be void and I refuse to confirm Entry No 2.

It follows from what I have said above that this unit land is not subject to common Rights. Mr Morgan on behalf of the Parish Council did not claim that the land was waste of a manor and neither Mr Hall who made the Entry in the Land Section nor any one else came to the hearing to claim that the land or any part of it is waste of a manor and I therefore refuse to confirm the Entry in the Land Section.

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 November

1978

Commons Commissioner