



COMMONS REGISTRATION ACT 1965

Reference No. 214/D/91

In the Matter of Selborne Common,
Selborne, East Hampshire D

DECISION

This dispute relates to the registration at No. 1 in the Land Section and Entry Nos. 1 and 2 in the Rights Section of Register Unit No. CL. 103 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No. OB 701 made by The National Trust and noted in the Register on 2 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 4 March 1972. The hearing was attended by Mr J A E Gorst on behalf of the National Trust and by Mr Lucas and Mr Waller in person.

Mr Lucas in evidence stated that he himself had never exercised any grazing rights. He bought Lower Burchams in 1967 but he had lived in the area for 41 years. He bought Lower Burchams subject to a tenancy of Clifford Tarr a blacksmith who died in 1968 and who grazed horses on the common from Lower Burchams until some time in the 1950's. On the evidence of a Tithe Award of 1848 the National Trust accepted that there were at that date common rights appurtenant to some or all of the land now in the ownership of Mr Lucas and the issue was whether or not these rights had been abandoned. On the evidence mentioned above I have come to the conclusion that all grazing rights which may at one time have been appurtenant to Mr Lucas' land have been abandoned other than the right to graze two horses appurtenant to Lower Burchams.

Mr Waller in evidence stated that his family had farmed Homestead Farm since 1916 and had grazed cows on the common up to about 15 years ago. The herd is now a TT tested herd and it is for this reason that it is not currently grazed on the common. Even if the past grazing was infrequent since a cowman or member of the family had to accompany the herd. Mr Waller's registration was entered in the Register on 3 December 1969 and on his uncontradicted evidence it is clear that he had not abandoned such rights as he had on that date. As to quantification his claim for 25 cows is appropriate to the acreage of his holding.

No evidence was given to support Mr Lucas' claim for turbarry. For these reasons I confirm the Entry at No. 1 in the Land Section and I confirm the Entry at No. 1 in the Rights Section modified so as to be limited to the right to graze 2 horses appurtenant to Lower Burchams and I confirm the Entry at No. 2 in the Rights Section.

I am required by regulations 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 10th day of March

1976

Commons Commissioner