



In the Matter of Weston Common, Weston Patrick and
Herriard, Hampshire.

DECISION

These disputes relate to the registration at Entry No. 1 amended to Entry No. 3 in the Land section of Register Unit No. CL 318 in the Register of Common Land maintained by the Hampshire County Council and are occasioned by Objection No. OB 630 made by the Edgeborough Building Co. Ltd and noted in the Register on 17 August 1971, and Objection No. OB 159 made by Mr J L Jervoise and noted in the Register on 12 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 22 February 1977. The hearing was attended by Mrs E M Manning, the applicant for the registration, and by Mr D M Whelan, solicitor, on behalf of Mr Jervoise. The Edgeborough Building Co. Ltd was not represented.

Mrs Manning sought to support the registration on the ground that the land comprised in it fell within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by being waste land of a manor not subject to rights of common. Mr Whelan admitted that Mr Jervoise was lord of the manor of Herriard and that he was the owner of the part of the land lying within the parish of Herriard. The part of the land lying within the parish of Weston Patrick is not part of Mr Jervoise's estate.

The whole of the land comprised in the Register Unit in the ownership of Mr Jervoise is or was until recently woodland. To a person unacquainted with the practice of forestry it may well appear to be uncultivated. I am, however, satisfied by the evidence of Mr D T Hodson, Mr Jervoise's agent, and Mr C T Westwood, his head forester, that the land has for many years been subject to planned silviculture. The greater part of it still is, the only exception being a narrow strip at the northern extremity on which there was a row of elms. With the exception of one clump, these trees have been clear felled and the land has been thrown into a field to the west. With the exception of this northern strip, the whole of the land is the subject of a deed of covenant with the Forestry Commission dated 25 July 1960 which restricts its use to forestry.

On this evidence I have come to the conclusion that this land is not waste of the manor of Herriard, because it is cultivated and, being occupied by Mr Jervoise, is part of his demesne land.

The part of the land comprised in the Register Unit lying in the Parish of Weston Patrick is the subject of the Objection made by the Edgeborough Building Co. Ltd. Since there was no appearance in support of this Objection, I have decided to treat the registration of this part of the land as being unopposed.

For these reasons I confirm the registration with the following modification:-
namely the exclusion of the land in the parish of Herriard.



171

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 26th day of April 1977.

A handwritten signature in cursive script, appearing to read 'A. J. G. Smith'.

Chief Commons Commissioner