



COMMONS REGISTRATION ACT 1965

Reference No 215/D/97

In the Matter of Chase End Hill,
Berrow & Bromsberrow, Malvern Hills D

DECISION

This dispute relates to the registrations at Entry Nos 2, 3, 4, 5, and 8 in the Rights Section of Register Unit No CL. 10 in the Register of Common Land maintained by the former Worcestershire County Council and is occasioned by Objection No 30 made by the Malvern Hills Conservators and noted in the Register on 12 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 16 June 1976. The hearing was attended by Mr J D Schooling on behalf of the Malvern Hills Conservators, by Mr Wood on behalf of Mr Harper the successor to Miss Rigby the applicant under Entry No 2 and Miss Albright the applicant under Entry Nos 3 and 5. Mr Howell the applicant under Entry No 8 appeared in person.

The applicants under Entry Nos 4 and 8 have the benefit of final registrations on other Units in the Malvern Hills for the same animals as those which they claim to graze on this Unit and for this reason I refuse to confirm Entry Nos 4 and 8.

Miss Rigby claimed for the same animals on this Unit and Unit CL. 11 and it was agreed that I should confirm Entry No 2 modified as follows: viz by deleting all the words in column 4 and substituting therefore the following words:-

"The right to graze 5 sheep or 1 head of cattle or 1 horse on this Unit and Unit CL. 11 but so that the number of animals grazed on this Unit and Unit CL. 11 at any one time shall not exceed 5 sheep or 1 head of cattle or 1 horse."

Miss Albright has likewise claimed to graze the same animals under Entry No 3 on this Unit and also on Unit CL. 11 and it was agreed that I should confirm Entry No 3 modified as follows:- By deleting all the words in column 4 and substituting therefore the following words:-

"The right to graze 16 stints each of 10 sheep or 2 cattle or 2 horses over this Unit and Unit No CL. 11 but so that the number of stints grazed at any one time over this Unit and CL. 11 shall not exceed 16 stints."

Miss Albright's claim under Entry No 5 is appurtenant to part of this Unit which is in her ownership. She cannot in my view have a right of common over her own land but she is entitled to graze her own land provided she does not thereby prejudice the commoners' rights. For this reason I confirm Entry No 5 modified as follows:- By substituting for all the words in column 4 the following words:-



"The right to graze 6 stints each of 10 sheep or 2 cattle or 2 horses over the part of this Unit not owned by the applicant and the right as owner to graze the said stints on that part of this Unit which is in her ownership."

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 5th day of July 1976

C. A. Settle

Commons Commissioner