



In the Matter of Hartlebury Common,
Hartlebury and Stourport-on-Severn,
Hereford and Worcester (No. 2)

DECISION

This dispute relates to the registration at Entry No. 2 in the Rights section of Register Unit No CL 68 in the Register of Common Land maintained by the former Worcestershire County Council and is occasioned by Objection No 55 made by the former County Council and noted in the Register on 11 February 1971.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 30 November 1977. The hearing was attended by Mr C J E J Selway, the applicant for the registration, and by Mr M Bowmes, solicitor, on behalf of the Hereford and Worcester County Council, the successor authority of the Objector.

After hearing Mr Selway's evidence, Mr Bowmes stated that he accepted that Mr Selway had made out a right to take sand and gravel, but not to graze.

There is no mention of rights of common in Mr Selway's deeds and he has never grazed any animals on the common. All that Mr Selway was able to say was that he was told that there were rights of common when he purchased his property in 1944. This is not sufficient to prove a right to graze.

For these reasons I confirm the registration with the following modification:- namely the deletion of the words "and the right to graze 12 cattle, 24 sheep, and 46 goats".

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.

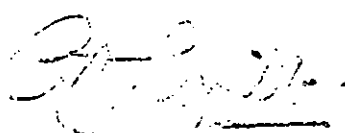
Dated this

6th

day of

February

1978


Chief Commons Commissioner