



COMMONS REGISTRATION ACT 1965

Reference No. 42/D/61,64,73 and
80 to 83

In the Matter of Marsh Common,
Earls Croome and Defford, Malvern Hills D

DECISION

This dispute relates to the registration at Entry Nos. 1 to 8 and 12 in the Rights Section and Entry Nos. 1, 2 and 3 in the ownership section of Register Unit No. CL 38 in the Register of Common Land maintained by the former Worcestershire County Council and is occasioned by Objection No. 48 made by the Croome Estate Trustees and noted in the Register on 20 November 1970. Objection No. 82 made by Earls Croome Parish Council and noted in the Register on 23 March 1972, Objection No. 46 made by the Croome Estate Trustees and noted in the Register on 19 November 1970 and the conflicting registrations at Entries 1, 2 and 3 in the ownership section of this Register.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 9 May 1979. The hearing was attended by Mr P C Davis of Messrs Foster & Finley who appeared for Earls Croome Parish Council and the applicants for rights under Entry Nos. 5, 7 and 8. Mr W G Smith appeared on behalf of James Smith the applicant for rights under Entry No. 2 and himself a claimant under Entry No. 2 in the ownership section and M/S Mackworth appeared on behalf of the Croome Estate Trustees.

The applicants for rights under Entry Nos. 3, 4 and 6 did not appear to support their claims and for this reason I refuse to confirm Entry Nos. 3, 4 and 6.

I was at the commencement of the hearing handed a written document setting out terms agreed between those attending or represented at the hearing.

In accordance with those terms I confirm Entry Nos. 2, 5, 7, 8 and 12 modified, if necessary, so as to restrict the exercise of those rights to land in Earls Croome Parish and not over Hill Common and further modified in the case of Entry No. 12 by deleting all the words in column 4 and substituting therefor the words:- "The right to graze 3 yearling cows or 4 horses or mares, or 4 mares with un-weaned foals or 20 ewes with lambs, or 32 dry sheep or 8 yearling cattle or 4 2 year old and upwards cattle or 4 cows with calves or in milk".

As regards the Entries in the ownership section Mr Smith withdrew Entry No. 2 and I refuse to confirm Entry No. 2.

It was agreed between the Earls Croome Parish Council and the Croome Estate Trustees that I should confirm Entry No. 1 modified, if necessary so as to be limited to land in the Parish of Hill Croome and that I should confirm Entry No. 3 modified so as to be limited to land in the Parish of Earls Croome, and I confirm these Entries modified as aforesaid.

I did not at the hearing have before me either a copy of the register or the appropriate map. As regards the quantification of the rights under Entry Nos. 2, 5, 7 and 8, the rights agreed appear to me to be those entered on the register.



There is no map available to me which defines the Parish boundaries. Unless I hear to the contrary. I will assume that a direction to the Registration Authority in the terms of this decision will be adequate and I will welcome any comments the Registration Authority may send to me on receipt of this decision.

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

19th

day of June

1979

G. A. Little

Commons Commissioner