



COMMONS REGISTRATION ACT 1965

Reference Nos. 215/D/312-316

In the Matter of the land known as Broadmoor
Common in the Parish of Woolhope

DECISION

This dispute relates to the registration at Entry Nos. 1, 2, 3, 4 and 5 in the Rights Section of Register Unit No. CL 85 in the Register of Common Land maintained by the former Herefordshire County Council and is occasioned by Objections No. 254, 258, 257, 256 and 255 made by Herefordshire County Council and all noted in the Register on 21 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 16 February 1982. The hearing was attended by Mr M Bownes ~~appeared~~ for the County Council (the Objector) and Mr O P Snow of Messrs David Allen and Carver, solicitors of Hereford ~~appeared~~ for Messrs D M and G F Rogers, one of the applicants in the Rights Section. Mr and Mrs Rowberry, Mrs Hoyes and Mr and Mrs L Jelinek the applicants at Entry Nos. 1, 4 and 5 respectively appeared in person. The Objector claimed that all the applications which were for rights to graze were excessive and should be scaled down in accordance with the following formula related to the acreage of the dominant land.

- 3 sheep to an acre (Maximum 100 sheep)
- 4 sheep to an acre if less than 10 acres
- 8 sheep = 1 beast
- 10 sheep = 1 horse
- 4 sheep = 1 donkey
- 1 sheep = 1 goat

Sheep to become adult sheep on 30th September next following their birth

All the applicants who appeared before me stated that they accepted the formula put forward by the County Council as the appropriate method of quantifying their respective entitlements.

In the case of the application at Entry No. 4 which was originally made by Upton Woodhouse ~~and~~ there was some doubt as to the way in which the dominant tenement was now divided, but the Company has subsequently confirmed that it no longer owns any land in the area.

Mr and Mrs Rowberry accepted the formula proposed by the Objector which would give them 100 sheep or 13 cows. Mr Snow's clients accepted 11 cows in respect of their application at Entry No. 3 and Mr and Mrs Jelinek accepted 22 sheep or 3 cows. In the case of the application at Entry No. 4 the dominant tenement is now shared between Mr Snow's clients and Mr and Mrs Hoyles ~~and~~ the appropriate allocation in my view is 9 cows to the former and 2 cows to the latter.

Mr Owens the applicant at Entry No. 2 did not appear but on the agreed basis his entitlement would be 9 cows and I so decide. ~~for~~ these reasons I confirm the



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registrations with the following modifications:-

Entry No. 1 limited to 100 sheep or 13 cows

Entry No. 2 limited to 9 cows

Entry No. 3 limited to 11 cows

Entry No. 4 limited to 11 cows and apportioned
as to 9 cows to the land owned by Mr Snow's clients
and as to 2 cows to the land owned by Mr and Mrs Hoyes.

Entry No. 5 limited to 22 sheep or 3 cows

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

4th

day of

May

1982

George Blackett

Commons Commissioner