



In the Matter of a tract called Y Gribin,
Llangynog

DECISION

This dispute relates to the registration at Entry No. 2 in the Rights Section of Register Unit No. CL 34 (Mort) in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 186 made by the late Mrs M Morris and noted in the Register on 16 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 13 March 1984. The hearing was attended by Mr J Hollis of Messrs Gilbert Davies and Roberts, Solicitors of Welshpool appearing for Mr W Morris as objector and D G Ellis in person.

Mr Ellis is the applicant at Entry No. 2 in the Rights Section of Register Unit CL 34 for the right to graze 70 sheep over that part of the unit which is marked B and C on the register map. Parts B and C lie respectively at the southern and south-eastern end of the unit. Mrs Morris is finally registered as the owner of part C and Part D the latter adjoining Part C on its north-western boundary. Mrs Morris objected that Mr Ellis had no right of grazing over part C.

Mr John David Lloyd of Bryn Celyn Llangynog giving evidence on behalf of the Objector said that he had been born in 1909 and had lived and worked in the neighbourhood ever since. In 1929-32 he was employed as a gamekeeper as assistant to his uncle in an area which included parts A, B, C and D of the register unit. From 1937-40 he was employed as a gamekeeper on the Llechweddil-y-Garth Estate which included land which adjoined the unit on its north-western and south-western boundaries and some arable land which adjoined Part C on its southern boundary. He knew Pengwern Farm where Mr Ellis lived, it did not belong to the Llechwedd Estate. Pengwern Farm was owned by Mr John Roberts and when he died the farm passed to Mr Hughes of Shrewsbury who let it to Mr Ellis in the 1950s.

He was Head Keeper in the Llechwedd Estate from 1949-1962. The Estate held the sporting rights over Parts A, B, C and D of the unit. His duties included destroying rabbits. There is a triangle of land running toward the southern point of Part C in a NW direction between Gribin and Craig-y-Gribin. Llechwedd Estate rented the shooting over this land from Mr Roberts and later from Mr Hughes. Part C and the triangle were a dry area and flocks could only get water on Part D. He had seen flocks on Part C but he could not say whether any of the sheep belonged to Mr Ellis as he was not familiar with the distinguishing marks.

Mr David Gwynfrys Ellis the applicant said that he had been born in 1924 and in 1943 had become the tenant of land at Graiglas which was about 1½ miles distant from the Gribin. His father had become the tenant of Pengwern in 1940/1. The witness became the owner of Pengwern having bought the freehold in 1959 after his father's death.

While his father was tenant of Pengwern he kept a flock of 200 ewes. Some grazed on the triangular piece of land which Mr Lloyd had mentioned and the others grazed on the Gribin. This continued when he purchased Pengwern. Mr Morris started to fence off the land (part C) in 1971. His sheep had not been turned off the area



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to which the Objection relates.

In cross-examination Mr Ellis said that he had not lived at Pengwern before 1943 nor had he worked there before then. At Graiglas his landlord had been the Llechwedd Estate. He did not at that time, know who owned Gribin Hill. Pengwern was owned by Mr John Hughes. Mr Hughes never said anything about who owned the triangle only that he had the right to turn out sheep on to it.

He also told the witness that he had the right to turn out sheep on to Trwyn-y-Gribin. Pengwern had been tenanted before he became tenant. Between Pengwern Farm and part C the land rose to a ridge from which it descends on the other side. The ridge runs along the whole length of the valley. Sheep have always been left on Parts B and C. The ridge is the only geographical feature. His claim referred to Parts B and C, because that was where his sheep grazed. The only supply of water was on Part D Nant-yr-Henglawdd. Mr Morris had turned back sheep belonging to him but only the odd one at shearing or dipping time. When his father took over the tenancy of Pengwern he purchased the outgoing tenant's flock of sheep.

He agreed that the position of the words Trwyn-y-Gribin on the map register were outside the boundary of the register unit. He could not say how many ewes grazed on the register unit. His gateway to the Gribin was in the triangle of land. The sheep went from his land on to the hill. He could not say where the sheep got their water. They got moisture from the dew. A supply of water was important. If sheep went for water they had to go to the stream or up the hill. He had purchased sheep walks in 1960 and 1968. The Conveyance in 1968 included a right to graze on Part C. Pengwern Fach is 20 acres.

Mr Edward David Morris the son of the late Mrs Morris, the Objector, said that his family farmed Gribin land (parts C and D) and Nant-y-Henglawdd. His father W E Morris farmed Nant-y-Hanglawdd and he and his brother owned the Gribin land between them. He was aged 36 and his brother 42. They lived at Maes 12 miles away to the north. He was familiar with Part C having farmed it since 1961. He went there once or twice each year to collect his sheep. There were three brothers in all to go up. He would go up to check the sheep or for shearing or dipping. The sheep would be collected and brought down to the farm. He saw other flocks on Part C. Mr Ellis's and the odd sheep from Part E but not many from Parts A or B. Strange sheep would be sent back to where they should be grazing. The number which had to be sent back would vary. Mr Ellis had never complained to him about sheep being sent back.

In cross-examination Mr Morris said that there was a flat area where they had started to fence. The last time he sent back sheep was in April 1983.

All three witnesses gave their evidence carefully and had there been a conflict of testimony, I would have been reluctant to disbelieve any of them. In my view however, when the evidence is analysed there is no such conflict. Mr Lloyd admitted that there were sheep grazing the Gribin and also accepted that not being familiar with the different markings he was unable to say to whom the flocks belonged. Mr Morris said that he only went to the Gribin once or twice a year and had only found one or two sheep belonging to Mr Ellis on the Gribin which he sent back. Bearing in mind that Mr Ellis's sheep might at that time be on his own land for shearing or dipping, this evidence goes no way to contradict Mr Ellis's evidence that his father's and later his sheep had grazed Parts B and C since 1943.



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Although Mr Morris said that there were two other brothers who went to the Gribin they did not give evidence.

For these reasons I confirm the registration.

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 April 1984

A handwritten signature in cursive script, appearing to read 'James H. H. H. H.', positioned above the printed title.

Commons Commissioner