



COMMONS REGISTRATION ACT 1965

Reference No 276/D/16

In the Matter of Castle Bank, Waun,
Moeldod and Yr Allt, Llananno and
Llanbister, Radnor D

DECISION

This dispute relates to the registration at Entry No 15 in the Rights Section of Register Unit No CL. 13 in the Register of Common Land maintained by the former Radnorshire County Council and is occasioned by Objection No 117 made by Llananno Commoners Association and noted in the Register on 23 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 26 May 1977. The hearing was attended by Mr R E W Ungoed-Thomas counsel instructed on behalf of the Secretary of State for Wales by Mrs A Woodward of the Forestry Commission the occupiers of the land in question and by Mr W Watson the Secretary of the Llananno Commoners Association.

The Secretary of State claimed the right to graze 99 sheep over the Unit Land as appurtenant to OS No 174 by virtue of a conveyance dated 15 May 1945 made between W J Wogencraft and the Forestry Commissioners for and on behalf of His Majesty whereby the land known as Red Lion comprising 409 acres was conveyed to the Crown. "Together with such rights (if any) as the Vendor may be entitled to (whether appurtenant to OS 174 or otherwise) to graze sheep on the adjoining land to the east known as Castle Bank."

In my view a conveyance of rights (if any) does not confer on the purchaser a title to rights in the absence of proof that the Vendor was able to make a good title to the rights claimed by the purchaser.

Mr R E Stumbles District Forest Officer for the area comprising Red Lion Farm gave evidence that M A A Wozoncraft the son of the Vendor to the Crown had told him that Red Lion Farm was a stock farm and held sheep and cattle and that they grazed on Castle Bank. This hearsay evidence does not prove that Red Lion Farm had any appurtenant rights. Mr Wozoncraft when he entered into the conveyance was clearly in doubt as to whether or not he was grazing as of right and no evidence was given to resolve that doubt and no explanation was given as to why OS 174 was said to have rights when it was only a small part of Red Lion Farm. For this reason I refuse to confirm the Entry at No 15.

A further point not raised at the hearing has occurred to me namely that since Red Lion Farm and Castle Bank are both in the ownership of the Crown, the Crown cannot have grazing rights exercisable over its own land. The Crown can of course graze on its own land provided by so doing it does not prejudice the rights of commoners.

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 20th day of June

1977

Y. A. L. H. E.

Commons Commissioner