



In the Matter of Lower Common, Gilwern

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DECISION

This dispute relates to the registration at Entry Nos. 1, 3, 4, 5, 6 & 7 in the Rights Section of Register Unit No. CL 30 in the Register of Common Land maintained by the former Breconshire County Council and is occasioned by Objection No. 78, 333, 357, 358, 359 and 360 made by the Duke of Beaufort's Estate Commoners Association and noted in the Register on 28 October 1970 and 9 September 1971.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 26 October 1982. The hearing was attended by Mr C Arnold in person for his wife and himself as transferees in respect of the application at Entry No. 1, Mr G W Shellard of Messrs Henry Jones and Hobbs, for the Association and Mr H Cave for the Powys County Council as Registration Authority.

Mr Arnold said that he and his wife had purchased Cartref, Lower Common, in 1976 from the widow of Mr G G Phillips the original applicant, who had applied to graze 5 sheep or 1 cow or 1 horse. The holding consisted of two plots one adjoining and the other within the register unit. The buildings were at least 100 years old and in one of the buildings there was a manger. The title deeds showed that the property had always consisted of a cottage and a plot of land. He had tethered the goats on the land.

On this evidence I am satisfied that in the past the owner of this property had grazed at least one cow or horse on the Common.

No one appeared in support of the other applications.

For these reasons I confirm the registration at Entry No.1 in respect of 1 cow or 1 horse and I refuse to confirm any of the other registrations.

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

11th

day of

November

1982

*George H. H. H.*

Commons Commissioner