



In the Matter of Penygenhill Common, Llanigon,
Brecknock B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 85 in the Register of Common Land maintained by the Powys County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Trustees of Sir David Evans-Bevan claimed to be the freehold owners of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the Unit land at Brecon on 15 June 1982.

At the hearing Mr N O Tyler F.R.I.C.S. of the firm of Woosnam and Tyler, Chartered Surveyors, appeared for the claimants.

By a Conveyance dated 14 August 1969 and made between (1) Viscount Hereford (2) the Earl of Lisburne and Another (3) H M Dickie and Another ("the Purchasers") part of the Tregoyd estate was conveyed to the Purchasers on trust for sale. The property conveyed included a piece of land OS No. Pt 886 of 1.389 acres and this, as also appears from the plan of the property conveyed annexed to the Conveyance, comprised the eastern section of the Unit land. The present trustees of the Conveyance are Mr H S K Peppiatt and Mr J G Hemingway who are the claimants and I am satisfied that they are the owners of the eastern section of the Unit land.

As to the remaining section, Mr Tyler submitted that this also passed under the 1969 Conveyance and is in the ownership of the claimants. The material part of the parcels in the Conveyance ~~are~~ "All those freehold farms ... woodlands manorial lands commons ... comprising a total area of 1024.138 acres in the Parishes of Hay Tregoyd and Velindre and the Parish of Llanigon ... delineated on the plan annexed ... and more particularly described in the Schedule". Mr Tyler produced a 1902 Perambulation of the Manor of Llanigon and said that the western section was part of the land of that Manor. This may well be so, but the parcels of the land conveyed by the Conveyance are specific and neither the plan nor the Schedule includes the western section, nor does the Conveyance include manorial lands generally. I am not satisfied on this evidence that the claimants or any other persons own the western section.

In the result I shall direct the Powys County Council, as registration authority, to register Mr Peppiatt and Mr Hemingway as the owners of the eastern section of the Unit land under section 8(2) of the Act of 1965; the remainder of the Unit land will remain subject to protection under section 9 of the Act.

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

29 July

1982

L. J. Morris Smith
Commons Commissioner