



## COMMONS REGISTRATION ACT 1965

Reference No. 58/D/27

In the Matter of The Begwns,  
Llandewifach and Llowes, Powys

DECISION

This dispute relates to the registration at Entry No. 37 in the Rights Section of Register Unit No. CL.12 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 581 made by Mrs. F A Davies & Sons and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells 7 January 1975. The hearing was attended by Mr. E C J Selwyn, solicitor, of the firm of Messrs. Jeffreys and Powell, Brecon, on behalf of the applicant Mr. A. T Williams; and by Mr. V G Jones F.R.I.C.S. on behalf of the Objectors.

The applicant testified that his father, Thomas Williams, became tenant of Lower Ffermwen, a farm of some 46 acres, in 1919. He produced the Tenancy Agreement, which contained a term that the tenant should preserve all rights of common appurtenant to the holding. The applicant's father bought this farm in 1926, and the witness produced the Conveyance, which was dated 30 March 1926 and conveyed the farm "Together with (so far as the Vendor can grant the same) the benefit of all rights of common on the Begwyns and Little Mountain appurtenant to the premises and enjoyed therewith". In 1930 the applicant's elder brother Idris took over Ffermwen and farmed it until 1946. Thereafter it was farmed by the Applicant and his wife.

The applicant stated that his brother, when farming Ffermwen, used to turn out some 40 to 50 sheep to graze on Begwns, but no ponies or cattle. This was the only evidence before me that animals from Ffermwen (as distinct from Scalding) were turned out to graze on the Begwns. It is clearly insufficient to establish a prescriptive right of common of grazing in respect of Ffermwen. The late Mr. David Williams, in his signed statement, does state that "the Williams family exercised grazing rights from the whole of there property on Beggwns Common", but I do not feel that I can attach much weight to this unsworn general statement, in the absence of evidence of what the signatory meant by "the whole of there (sic) property". Neither Mr. J E Stephens nor Mr. David Williams gave evidence of the use of the Begwns for grazing sheep or other animals from Ffermwen.

The parcels in the Conveyance of Ffermwen to Mr. Thomas Williams suggest that there were rights of common on the Begwns; but there was no evidence before me that the Vendor (Walter de Winton) owned the soil of the Begwns at the date of the Conveyance and having regard to the qualifying words "so far as the Vendor can grant the same" and the absence of any evidence of prior user, I do not consider that these parcels are sufficient in themselves to establish the right of grazing which is claimed. There was also no evidence before me that the farm Ffermwen was within the Manor of Ishmonydd so as to be entitled to the customary rights of grazing which appear to have belonged to the tenants of that Manor.

Mr. J.E. Stephens, however, did testify that the applicant's father and brother used to cut fern on the Begwns for use as litter on both Scalding and Ffermwen and I am prepared to find that this right has been enjoyed as of right for upwards of 30 years.

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for the benefit of Ffermwen as well as Scalding.

For these reasons I confirm the registration of the right to cut control and remove fern, but I refuse to confirm the registration of the alleged right of grazing.

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

25<sup>th</sup>

day of

April

1975

*A. E. Francis*

Commons Commissioner