



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/105

In the Matter of The Children's Playground,
Llangattock, 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 87 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 claims to ownership of the land in question ("the Unit land") or to parts thereof were made by Mrs A M Caple, Dr Joyce M Smith and Miss G Palliser.

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

At the hearing Mr E C J Selwyn of the firm of Jeffreys and Powell appeared on behalf of Mrs Caple: Mr G H Griffiths of the firm of G Howard Giffiths and Company appeared on behalf of Dr Smith: and Miss Palliser was present in person.

Mrs Caple's claim is to the whole of the Unit land except two small portions claimed respectively by Dr Smith and Miss Palliser, and is based on her ownership of the lordship and manor of Penalt and Aberoney. In a Marriage Settlement of 1903 there were included the Mansion House called Llangattock Court and a number of properties in Llangattock specifically described in the Third Schedule to the Settlement: those properties do not appear to have included the Unit land but the Schedule did include the manor of lordship of Penalt and Aberoney with the rights members and appurtenances thereof..... situate in the parishes, of Llangattock, Crickhowell, Llanbedr and Patrishcw. The Third Schedule states at the end that all the properties specified therein excepting the manor are wholly situate in the parish of Llangattock. In 1932 there was a Vesting Deed in favour of John Conway Lloyd as tenant for life under the Settlement and following his death an Assent in 1966 by his personal representatives in favour of Mrs Caple. Neither the Vesting Deed nor the Assent specifically referred to the manor of lordship of Penalt and Aberoney but the references to all rights and interests in the property were I think sufficient to include the manor or lordship. Even so there is no adequate evidence that the Unit land was part of the manorial land of that manor or lordship. I understand that the parish of Llangattock is comprised in the manor of Crickhowell, which is part of the Beaufort Estate: it is suggested that the manor of Penalt and Aberoney may have been a mesne manor, but this is speculative. Mr Selwyn frankly and, in my view, rightly admitted that the title to the Unit land adduced on behalf of Mrs Caple would not be regarded as acceptable to a proposing purchaser of the Unit land. There was no evidence of acts of ownership by Mrs Caple in relation to the Unit land, and I gathered



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that no specific use is made of it, though boys use it to fish from. In the result I am not satisfied that the ownership claimed by Mrs Caple is established.

Dr Smith is the owner of a property in Llangattock known as The Old Six Bells, which adjoins the western boundary of the Unit land. On the Unit land is a former pigcot, one wall of which is part of the garden wall of Dr Smith's property, the other three walls or their foundations extending into the Unit land. Since 1967, when she acquired her property, Dr Smith has used the pigcot as a compost pit, as did the previous owners of the property. Dr Smith said that no one has objected to this use or claimed rights over the pigcot.

Miss Palliser claims ownership of the strip of land forming a projecting tongue at the southern end of the Unit land; the strip ~~lies~~ between the stream and the garden of Miss Palliser's property - on the garden is a stable used as a garage. Miss Palliser has lived there for some fifty years, originally (before it became hers) with her uncle and aunt. On the stream side of the strip is a wall which Miss Palliser has always kept in repair: the northern end of the strip is open to the remainder of the Unit land but there is no access at the southern end.

There was no opposition to the claims of Dr Smith and Miss Palliser ^{and} on the evidence I am satisfied that Dr Smith is the owner of the pigcot and Miss Palliser of the strip of land described above.

I shall accordingly direct the Powys County Council, as registration authority, to register Dr Smith as owner of the pigcot and Miss Palliser as owner of the strip under section 8(2) of the Act of 1965. As to the remainder of the unit land, I am not satisfied as to its ownership and it 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

17 August

1982

L. J. Morris Smith

Commons Commissioner