



COMMONS REGISTRATION ACT 1965

Reference No. 31/D/27-29

In the Matter of Stapeley Common, Chirbury,  
Salop (NO. 3)

DECISION

These disputes relate to the registration at Entries in the Rights Section of Register Unit No. CL.80 in the Register of Common Land maintained by the former Salop County Council. They are occasioned (1) By Objection No O.110 made by Mr J R P Delves, noted in the Register on 25 January 1972, which was an objection to the registration at Entry No 1 in the Land Section and accordingly involved an objection to all Entries (Nos. 1-21) in the Rights Section. (2) By Objections No. 268 and 269 and made by the Stapeley Commoners Association ("The Association"), both noted in the register on 18 August 1972 and which were respectively to Entries No 2 and 16.

On the 12 June 1974 the Chief Commons Commissioner held a hearing at Shrewsbury to inquire into the disputes, and gave Interim Decision dated 1 July 1974. As a result of that decision Mr Delves' objection ceased to be of consequence; as regards the Associations objections, pursuant to the decision the proceedings were re-opened at Ludlow on 25 January 1979, when I held a hearing with Assessor Mr H D Pennington B.A. F.R.I.C.S., of the Old Farm House, Norton Shifnal. The hearing, so far as it related to objection No. 268 was adjourned, but continued in regard to objection No. 269; there attended, by Mr V L Powell and Mrs A E Powell, the applicants for the registration of Entry No. 16, and by Major D J Brook the Chairman of the Association.

As appears from the Interim Decision, the dispute relates not to the existence of rights of common exercisable by the applicants but as to the extent of those rights. The right registered is to graze 100 sheep, 20 cattle and 15 pigs; the Association claimed that the entitlement was to graze only 19 sheep or 4 cattle. For the reasons appearing in the Interim Decision the Chief Commons Commissioner, on the evidence then given, was not able to accept either set of figures.

At the reopened hearing on 25 January 1979 I intimated that in the absence of other evidence (additional to that already given at the hearing before the Chief Commissioner) in support of the respective claims, the relevant evidence would be that concerning the number of animals which Mr and Mrs Powell's holding is capable of maintaining during the winter. Mr Powell gave evidence: his holding is 8 acres of which about  $7\frac{1}{2}$  are down to grass and which, he said, could maintain 45 sheep or 5 cattle. The grass is old turf and has not been re-seeded since 1968; he cuts about 5 acres for hay every year. There is a dual purpose building on the land some 30 feet long. No other evidence was given.

Since the hearing Mr Pennington has submitted his report dated 14 February 1979 in which he concludes that Mr Powell's holding cannot support 45 sheep or 5 cattle and recommends a figure of no more than 20 sheep. I accept and agree with this conclusion and I shall accordingly confirm the registration at Entry No 16 in the Rights Section with the modification that for "100 sheep, 20 cattle and 15 pigs" in column 4 there be substituted "20 sheep or 4 cattle".

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 29<sup>th</sup> day of March

1979  
L. J. Morris Smith  
Commons Commissioner