



## COMMONS REGISTRATION ACT 1965

References Nos. 31/D/18-22  
(inclusive)

In the Matter of The Cliffe,  
Ruyton-xi-Towns and Little  
Ness, Shrewsbury D. and  
Oswestry D. Salop

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL.5 in the Register of Common Land maintained by the Salop County Council and are occasioned by Objection No. 01 made by Viscount Newport's Trustees and noted in the Register on 5th November 1970, objection No. 054 made by Mr. R B Warner and noted in the Register on 17th August 1972.

I held a hearing for the purpose of inquiring into these disputes at Shrewsbury on 8th April 1975. The hearing was attended by Mr. G. Lewis of Messrs Crampton Pym and Lewis Solicitors for the Ruyton xi Towns Parish Council and Miss Megan Edwards Jones (the applicant for Common Rights) and by Mr. Meirion Lewis Jones, counsel, instructed by Messrs. H.W. Hughes and Son on behalf of Mr. R.B. Warner.

Viscount Newports Trustees did not appear and I was informed by Mr. Lewis that they did not intend to pursue their objection.

The land in question is partly in the Parish of Little Ness and partly in the Parish of Ruyton xi Towns, and the whole of the land is and has within living memory been known as the Cliffe. The land at the southern end of the Cliffe is in the Parish of Little Ness and is owned by Lord Bradford who is content that this land shall be common land and that Miss Edwards Jones shall have the rights of common over it which she has registered. The land at the northern extremity is in the Parish of Ruyton xi Towns and there was no evidence as to the ownership of this land. There is no physical boundary between the two parcels of the Cliffe which are open and unenclosed and have always been regarded by the local inhabitants as one common in the colloquial sense of that word. It was not disputed by Mr. Lewis-Jones and was apparent from documents produced at the hearing that the Cliffe including a consent given by the Minister on 16th June 1956, to the construction of a reservoir on the land, pursuant to Section 194 of the Law of Property Act 1925, was <sup>on it</sup> subject to rights of common. Mr. Lewis-Jones at the outset indicated that Mr. Warner's case was that all such rights of common as had existed had been abandoned.

I turn now to Mr. Warner's objections, objection No. 054 was made on the following grounds :- "The land edged red on the attached plan (which is owned by me and is part of the land comprised in the above-mentioned registration) was not common land at the date of registration." The land edged red on the plan attached to this objection is that in the Parish of Ruyton xi Towns. Notwithstanding the terms of this objection Mr. Lewis-Jones at the outset stated that Mr. Warner did not claim ownership of any part of the Cliffe.

Mr. Warner's grounds for his objection to Miss Edwards-Jones Rights Entry in Objection No. 0267 were that she was not entitled to apply, that the rights do not



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exist and that the whole of the Cliffe was not common land.

Mr. Warner was not the owner of any part of the Cliffe or the claimant for any rights over the Cliffe and it was not until he gave evidence that I appreciated the reasons underlying his objections. Mr. Warner owns the property known as Vales Wood which adjoins on its western boundary, which he purchased in 1951 and which was woodland at that time but which he has since he acquired it converted to agricultural land. Mr. Warner did not claim to have exercised rights of common over the Cliffe, but since 1953 he has made roads, made openings between his land and the Cliffe and run sheep on the Cliffe, killed rabbits and vermin and reared pheasants on the Cliffe and shot over it. As regard the southern part, with permission from Lord Bradford's agent, Mr. Higginson, he has also caused gypsies to be removed, and the roads are now used by motor vehicles.

Against this background, Mr. Warner admitted to me that the purpose of his objections was to prevent any interference with his activities on the Cliffe.

Miss Edwards-Jones gave evidence and she stated that she had regularly gathered sticks, bracken and heather since she acquired Cliffe Cottage, which adjoins the Cliffe, in 1967. She said that in gathering sticks etc. she was doing what she had seen others doing and what she believed she had a perfect right to do. She did not claim that in gathering her sticks she was exercising a right appurtenant to Cliffe Cottage. She said in terms that the only difference between her and others was that she had registered her right and others had not done so. Miss Edwards-Jones conceded that she had never grazed any animals on the Cliffe and said that she might one day wish to do so in order to become self supporting if inflation continues at its present rate. Miss Edwards-Jones was very concerned not only for herself but also for her fellow parishioners and I formed the impression that she was really acting in a representative capacity.

In my view, the evidence given by Miss Edwards-Jones does not establish any right of common appurtenant to Cliffe Cottage but I am nevertheless of the opinion that the Cliffe is common land as the waste of two manors. In this connection there were produced to me certified true copies of two title awards dated respectively, 17th December 1845 relating to the land in the Parish of Little Ness and 26th August 1839 relating to land in Ruyton xi Towns when that part of the Cliffe was held by the Lord of the Manor and Freeholders of Ruyton.

For these reasons I confirm the registration at Entry No. 1 in the Land Section and refuse to confirm the Entry No. 1 in the Rights Section of the Register.

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

21<sup>st</sup>

day of April

1975

C A Little

Commons Commissioner