



COMMONS REGISTRATION ACT 1965

Reference No 232/D/201-204

In the Matter of Withypool Hill, Withypool Common,
Hawkridge Common and Bradymoor, Somerset

DECISION

These disputes relate to the registration of a number of Entries in the Rights section of Register Unit No CL7 in the Register of Common Land maintained by the Somerset County Council and are occasioned by Objections made by Mrs M H P Huntley. The Entries and Objections are as follows:

Entries Nos

1, 3, 7, 8, 12

Objection No O/16 noted in Register on
18 April 1969.

2, 4, 5, 6, 9, 15, 16, 17

Objection No O/15 noted in Register on
18 April 1969.

10, 11

Objection No O/14 noted in Register on
18 April 1969.

19, 20, 21, 22, 23, 24
25, 26, 27

Objection No O/83 noted in Register on
24 February 1971.

I held a hearing for the purpose of inquiring into the dispute at Taunton on 10 May 1979.

The hearing was attended by Mr C R Mullings, Solicitor, of the firm of Mullings Ellett, on behalf of Mr P Hudson, the successor to the Objector (Mrs Huntley); by Mr M A Collins a member of Withypool Parish Council and the applicant in respect of Rights Entry No 26, and Mr R H Williams a member of the Parish Council, and both members of the Commoners Association; and by Mr J B Hosegood, Chartered Surveyor, of the firm of Philips and Sanders, on behalf of Dr R F Hollick the applicant in respect of Rights Entry No 24. There were no other appearances.

1. I was informed by Mr Mullings that as regards Entries Nos 9, 10 and 11 the Objections were withdrawn; from the document handed to me setting out agreed modifications, it also appears that Entry No 21 is to stand without modification. Accordingly I confirm these registrations.

2. As regards Entry No 24 it had been agreed that the right claimed should be modified and, in accordance with the agreement, I confirm the registration with the modification that in Column 4 for words "up to 35 sheep" there be substituted the words "5 sheep and 4 bovine".

3. As regards the remaining Entries (1-8, 12, 15, 16, 17, 19, 20, 22, 23, 25, 26, 27) it appeared that agreement had been reached for confirmation of the registrations with modification. The modification is directed to the adoption of a common formula for the description of the grazing rights, the number of animals being based on the acreage of the dominant tenement in each case. I have set out in Part I of the Schedule below the particulars to



be substituted for the particulars at present registered in column 4 in respect of these: the blank shown by square brackets will be filled differently for each Entry, and Part II of the Schedule contains the appropriate words for filling the blank in respect of each of the Entries. Accordingly I confirm these registrations with the modification that for the particulars in Column 4 there be substituted the particulars set out in Part I of the Schedule completed as regards the blank by the addition of the words appropriate to each Entry as shown in Part II. As regards Entries Nos 20 and 22 the document containing the agreed modification does not specify the acreages, but if I can be informed as to the appropriate figures, I will complete the particulars accordingly.

The Schedule

Part I

1. i. To pasture the following animals in proportion to the acreage of []
 - a. 1 $\frac{1}{4}$ sheep in-byre acres (maximum number).
 - b. 1 cow or pony to 10 acres.
 - c. 1 cow or pony to count as 5 sheep which may be run in place of sheep but not vice versa.
 - ii. No sheep are run on the commons during the winter. Ponies are, however, run on the commons by day and night and cattle are run on the commons by day only during the winter period and not run on the moor.
 - iii. The winter months are deemed to be from 1 December to 30 April.
2. Also a right of estovers and turbary over the whole of the land comprised in this register unit.

Part II

Words to be added to fill blank in line of Part I

Entry Nos

- | | |
|----|---|
| 1 | "Hillway Farm which is 150 acres" |
| 2 | "Batson Farm which is 100 acres" |
| 3 | "Higher Blacklands Farm which is 150 acres" |
| 4 | "Brightworthy Farm which is 137 acres" |
| 5 | "Kings Farm which is 30 acres" |
| 6 | "land which is 14.543 acres" |
| 7 | "land which is 117 acres" |
| 8 | "Newland Farm, which is 58 acres" |
| 12 | "South Hill Farm which is 40 acres" |



Entry Nos

- 15 "Foxwitchen which is 130 acres"
16 "Waterhouse Farm which is 40 acres"
17 "Uppington Farm which is 120 acres"
19 "land which is 18 acres"
20 "Lower Blackland which is acres"
22 "Halsgrove Farm and Dadhayes which are acres"
23 "Newland Farm which is 21 acres"
25 "Knighton Farm which is 80 acres"
26 "South Batson which is 30 acres"
27 "land which is 10 acres"

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

21 August

1979

Commons Commissioner