



In the Matter of Doley Common, Gnosall,
Staffordshire (NO. 2)

DECISION

These disputes relate to the registrations at Entry Nos. 1 to 6 in the Rights section of Register Unit No. CL 67 in the Register of Common Land maintained by the Staffordshire County Council and are occasioned by Objection No. 29 made by Mr A S Monckton and noted in the Register on 27 October 1970, and the Objection No. 30 also made by Mr Monckton and noted in the Register on 22 October 1966.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the dispute occasioned by Objection No. 29 at Staffrd on 12 November 1974. For the reasons which he stated in his decision dated 24 February 1975, Mr Commissioner Baden Fuller decided to confirm the registrations at Entry Nos 2 and 5 but came to the conclusions that the registrations at Entry Nos. 1, 3, 4 and 6 could not be dealt with until the applicants for those registrations had had an opportunity of being heard at a hearing for the purpose of inquiring into the disputes occasioned by Objection No. 30.

I held such a hearing at Stafford on 17 July 1979. The hearing was attended by Mr J W Richardson, the son of the applicant for the registration at Entry No. 3, Mr J F Thompson, the successor in title of Mr and Mrs L Spooner, the applicants for the registration at Entry No. 6, and Mr Robert Wakefield, of counsel on behalf of Mr T F C Winnington, Earl Cowdor, and Mr G H Crewe, the successors in title of the Objector. There was no appearance by or on behalf of Mrs A Cooper, the applicant for the registration at Entry No. 1, or Mr T Richardson, the applicant for the registration at Entry No. 4.

Mr Richardson was unable to formulate the legal basis on which he sought to support the registration at Entry No. 3, applied for by his late father, Mr J W Richardson. The facts upon which he relied may be summarised as follows.

Mr Richardson's grandmother owned a farm called Hollies Farm at Awdmore. This included a small field with an area of 0.29 ac. near to the land comprised in the Register Unit, known as Doley Common, which is now in the ownership of Mr Richardson. Mr Richardson's grandmother used to put cows and geese and maybe pigs on Doley Common. Her sons used to shoot over it and they fetched firewood from it. Old Mrs Richardson died about 18 or 19 years ago and her son, Mr Thomas Richardson, took over the farm. There was a dispute about the small field, which was recently resolved by Mr Thomas Richardson making it over to Mr H J W Richardson. Mr J W Richardson lived in a succession of cottages, which he rents near to the Common. He did not keep any animals, but he shot and fished on the Common and took firewood to his cottage from the Common. Other people living round the Common also shot on it. Members of the Richardson family shot for pleasure and did not sell but Mr H J W Richardson last shot rabbits there in 1975. He could not grow hay on his field in order to support animals during the winter. It is 25 or 26 years since members of the Richardson family last put animals on the Common or took wood from it.

On this evidence I am unable to find that Mr J W Richardson had any right of Common over Doley Common. Mr H J W Richardson seemed to be under the impression that anyone living in the neighbourhood of the Common has rights over it. This, however, is contrary to Gatward's Case 6 Co. Rep. 59 b, which was decided as long ago as 1607.



Perhaps I should add, in order to show that I have not overlooked it, that Mr Richardson said that he had been offered a sum for his rights. This does not prove that he had any rights, but only that the Objector or his successors in title were willing to pay something in order to avoid the trouble and expense of contesting his claim.

All that Mr Thompson was able to tell me was that there was no mention of rights of Common in his deeds, so his claim could only be based on the proximity of his property to the Common. That, as I have already indicated, is not sufficient to sustain a claim.

For these reasons I refuse to confirm the registrations at Entry Nos. 3 and 6.

By a conveyance made 9 March 1979 between (1) Peter Wallace James Cooper (2) Alan Stobar Monckton, Mr Cooper, as executor of Mrs Cooper, conveyed and released to the Objector the rights of Common attached to Mrs Cooper's house. This conveyance was made in order to give effect to an exchange of letters dated 24 and 27 May 1972 between Mrs Cooper and the Objector, whereby in consideration of a payment of £10, Mrs Cooper agreed to assign to the Objector any rights of Common which she may have had over the land comprised in the Register Unit.

By a deed of assignment and surrender made 27 October 1978 between (1) Thomas Richardson (2) Thomas Foley Churchill Winnington, Hugh John Vaughan, Earl Cawdor and Quentin Hugh Crowe, Mr Richardson assigned and surrendered all his rights over the land comprised in the Register Unit in consideration of £50.

In these circumstances I refuse to confirm the registrations at Entry Nos. 1 and 4.

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

8th

day of

October

1979

Chief Commons Commissioner