



COMMONS REGISTRATION ACT 1965

Reference No. 278/D/1135-1211
& 278/D/1212-1213

In the matter of Pennard Cliffs and Burrows, Gower, Swansea

DECISION

This matter relates to the registration of Pennard Cliffs and Burrows, Register Unit Nos. CL 13 and VG 32 in the Register of Common Land and Town or Village Greens maintained by the City and County of Swansea Council and is occasioned by the disputes raised in the above references.

I held a hearing for the purpose of inquiring into the disputes at Swansea County Hall on 23 March 1998. The hearing was attended by Mr E K Harris, Solicitor on behalf of the Gower Commoners Association, Mr R Lamb (Counsel) instructed by Messrs Davis, Ingram and Harvey, for Pennard Burrows Limited and a number of commoners and householders. Mr J B Humphreys attended for the City and County of Swansea the Registration Authority.

I was told the applicant for registration of VG 32 had withdrawn his application. I therefore direct that the register of VG 32 and all references to VG 32 on the register of CL 13 shall become void.

The most important issue before me arose from the fact that some 130 houses stand on the piece of land to the east of the line W X Y Z AA on the plan of CL 13. It appears that this land is shown as part of the common on early plans, but as farmland on later plans, and has been developed since 1945 on the assumption that it was not common land. Mr Harris and Mr Lamb very sensibly agreed not to pursue any claim that the land was common land, and I therefore direct that the land to the east of the line mentioned above, except the verges of Pennard Road as shown on the plan, shall be excluded from the Land Section of CL 13.

New objections from Mr J E Richard, Dr P R Williams and Mr P E White all sought the exclusion of the land fronting their properties at Little Highway from the Land Section. Having perused an Agreement dated 31 August 1989 between Mr R F P Robinson on behalf of the Commoners Association and Farmquest Limited, the predecessor in title of the objectors, in which Farmquest Limited admit that the land in question was part of Pennard Common, and having inspected the land, I am obliged to rule against their objection. I also exclude the small piece of



land to the south of the path, halfway between P and U, and the land lying to the north of the line C-EE which is the correct boundary at this point.

Subject as above I confirm the Land Section of this registration.

As Mr Harris opened his case it became apparent that by the end of the 19th Century the Lord of the Manor had acquired the farms to which common rights were attached, so the ancient feudal rights had perished by unity of seisin. It was then agreed between Mr Harris and Mr Lamb that seven farms had acquired rights of grazing by prescription, and they undertook to supply me with drafts of the requisite entries. These are not yet to hand, and I shall therefore deal with the Rights Section of the Register in a supplemental decision in due course.

The Ownership Section contains a claim by Mr and Mrs Asa Bevan to ownership of the whole of the land. This couple - who are both now dead - were, I understand, harmless eccentrics who claimed to own the whole of the Gower Peninsula. No-one appeared to support this claim and I reject it.

I find that Pennard Burrows Limited is the owner of the part of the land known as Pennard Burrows, ie the land west of the line W X Y Z AA mentioned above and down to the line O-P, with the exception of the land to the west of Q-R and S-T. These pieces may have arisen by alluvion. The remainder of the land to the east of O-P belongs to the National Trust under a registered title but H.M. Land Registry has not seen fit to inform the Registration Authority of the fact. Since the National Trust did not appear I was not able to ascertain any details of their registered title, but I am not, of course, concerned with that.

Details of the references dealt with in this decision and supplemental decision are contained in the Annexe hereto.

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

7th

day of

July

1998

Chief Commons Commissioner

Annex to decision 278/D/1135-1213

Dispute ref. No.	Section	Entry No.	Objection No.	Objector	Conflict Entry No. Unit	
278/D/1135	Land	1	375	Pennard Burrows	Land 1	Part 485 Pennard (WITHDRAWN)
278/D/1136	Land	1	-	-	17	
278/D/1137	Land	1	-	-	CL.13	
278/D/1138	Rights	All Rights	375	Pennard Burrows	-	382 Bishopston
278/D/1139	Rights	2	31	Pennard Burrows	-	
278/D/1140	Rights	3	31	Pennard Burrows	-	
278/D/1141	Rights	3	-	-	31	721 Bishopston
278/D/1142	Rights	4	31	Pennard Burrows	-	
278/D/1143	Rights	5	31	Pennard Burrows	-	
278/D/1144	Rights	5	-	-	13	199,205 Bishopston
278/D/1145	Rights	6	31	Pennard Burrows	-	
278/D/1146	Rights	6	-	-	75	
278/D/1147	Rights	7	31	Pennard Burrows	-	242,256 Bishopston
278/D/1148	Rights	7	-	-	75	
278/D/1149	Rights	9	31	Pennard Burrows	-	721 Bishopston
278/D/1150	Rights	10	31	Pennard Burrows	-	
278/D/1151	Rights	11	31	Pennard Burrows	-	
278/D/1152	Rights	12	31	Pennard Burrows	-	
278/D/1153	Rights	13	31	Pennard Burrows	-	
278/D/1154	Rights	13	-	-	5	
278/D/1155	Rights	13	31	Pennard Burrows	-	
278/D/1156	Rights	17	31	Pennard Burrows	-	
278/D/1157	Rights	17	-	-	CL.13	
278/D/1158	Rights	18	31	Pennard Burrows	Land 1	
278/D/1159	Rights	18	-	-	CL.13	
278/D/1160	Rights	20	31	Pennard	-	452 Pennard
278/D/1161	Rights	21	31	Pennard	-	
278/D/1162	Rights	22	31	Pennard	-	
278/D/1163	Rights	23	31	Pennard	-	
278/D/1164	Rights	24	31	Pennard	-	

278/D/1165	25	31	Joan Ellis	-	-	-	-
278/D/1166	26	31	Pennard	-	-	-	-
278/D/1167	26 (49D)	131					
278/D/1168	27	31					
278/D/1169	28	31					
278/D/1170	29	31					
278/D/1171	30	31					
278/D/1172	31	31					
278/D/1173	31	-					382 Bishopston
278/D/1174	31	-					382 Bishopston
278/D/1175	33	31	Pennard				
278/D/1176	35	31					
278/D/1177	35	131	Joan Ellis				
278/D/1178	35	-					342 Pennard
278/D/1179	35	-					342 Pennard
278/D/1180	35	-					342 Pennard
278/D/1181	35	-					342 Pennard
278/D/1182	36	31	Pennard Burrows				
278/D/1183	36	131	Joan Ellis				
278/D/1184	38	31	Pennard Burrows				
278/D/1185	38	131	Joan Ellis				
278/D/1186	39	31	Pennard Burrows				
278/D/1187	39	131	Joan Ellis				
278/D/1188	40	31	Pennard Burrows				
278/D/1189	40	131	Joan Ellis				
278/D/1190	43	31	Pennard Burrows				
278/D/1191	43	131	Joan Ellis				
278/D/1192	44	31	Pennard Burrows				
278/D/1193	44	131	Joan Ellis				
278/D/1194	45	31	Pennard Burrows				
278/D/1195	46	31	Pennard Burrows				
278/D/1196	46	131	Joan Ellis				
278/D/1197	47	131	Joan Ellis				
278/D/1198	48	131	Joan Ellis				
278/D/1199	49	131	Joan Ellis				
278/D/1200	52	-					452 Pennard
278/D/1201	52	-					342 Pennard
278/D/1202	52	-					405 Pennard

278/D/1203			13	J Ellis				
278/D/1204	Rights	54	-	-	52	CL.13	405 Pennard	
278/D/1205		55	-	-	128	CL.15	405 Pennard	
278/D/1206		55	-	-	49	CL.16	405 Pennard	
278/D/1207		55	-	-	47	CL.17	405 Pennard	
278/D/1208	Ownership	1	-	-	2	CL.13		
278/D/1209	Ownership	1	-	-	3	CL.13		
278/D/1210	Ownership	2	-	-	1	CL.13		
278/D/1211	Ownership	3	-	-	1	CL.13		
278/D/1212	Land	1	537	National Trust	-	-		
278/D/1213	Land	1	-	-	Land 1	CL.13	Double Registration	