



In the Matter of Hinton Common (6.20 ac.),
Dyrham and Hinton, Avon (No. 1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. G/CL 404 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. Ob. 368 made by the Dyrham and Hinton Parish Council and noted in the Register on 19 July 1972 and Objection No. Ob. 690 made by the former Gloucestershire County Council and noted in the Register on 3 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Bath on 20 July 1983. The hearing was attended by Miss D Jenkins Evans, Solicitor, on behalf of the Avon County Council, and the Dyrham and Hinton Parish Council was represented by Mrs S Rae, its Clerk. There was no appearance by or on behalf of Mr P C Girdlestone, Mrs M Higgins, Mrs J M Organ, Mr C N Clarke, and Mr V U R Higgins, the applicants for registrations in the Rights Section of the Register Unit.

In the absence of any evidence in support of the registration, I refused to confirm it. On being informed that Mrs Higgins had not received notice of the hearing, I set aside my decision and reopened the hearing at Bath on 21 February 1984.

The reopened hearing was attended by Mr Alun Aylesbury, of Counsel, on behalf of Mrs Higgins and Mr Clarke (Mrs Organ being deceased) and Mr Higgins, Mr D Pullen of the Administration Department of the Avon County Council, the successor authority of the former Gloucestershire County Council, and Mrs Rae, the Clerk of the Parish Council. Mrs Rae, however, did not take any part in the proceedings.

Mr Aylesbury informed me that he was instructed to agree that his clients were not entitled to any rights of common over the land the subject of the former Gloucestershire County Council's objection.

So far as the remainder of the land the subject of the registrations at Entry Nos. 2 and 3 in the Rights Section of the Register Unit was concerned, I was satisfied on the evidence called by Mr Aylesbury that there is a right to graze 40 cattle over this land and over those parts of Register Unit No. CL 405 edged ~~Y~~ on Inset Map E of sheet ST 77NW of the Register Map attached to Healy Court Farm and a similar right attached to the land adjoining Healy Court Farm, known as Hill Farm.

I therefore confirm the registration with the following modifications, namely, the exclusion of the land the subject of Objection No. Ob. 690 and the land not shown edged red on Inset Map E of sheet ST 77 NW of the Register Map.

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

23rd

day of

March

1984

G. J. G. J. G.

Chief Commons Commissioner