



COMMONS REGISTRATION ACT 1965

Reference Nos 203/D/65
203/D/66
203/D/67

In the Matter of (1) Pitstone Common (about 60.16 acres), (2) a part of Pitstone Common (0.38 of an acre) and (3) Ivinghoe Common (about 173.79 acres) in (1) and (2) Pitstone and (3) Ivinghoe, Aylesbury Vale District, Buckinghamshire

DECISION

These disputes relate to the registrations at Entry Nos 1 to 19 inclusive in the Rights Section of Register Unit (1) No CL. 67, (2) No CL. 114 and (3) No CL. 99 in the Register of Common Land maintained by Buckinghamshire County Council, and are occasioned by Objection (1) No 92, (2) No 94 and (3) No 93 made by National Trust for Places of Historic Interest and Natural Beauty ("the National Trust") and noted in the Registers on 14 May 1971.

I held hearings for the purpose of inquiring into the disputes at Aylesbury on 7 March 1978. At these hearings the National Trust were represented by Mr K J Stacey chartered surveyor of Brown & Merry Chartered Surveyors of Tring, being their local agents in respect of their Ashridge Estate.

The rights registered in the Rights Section of these Register Units were all made on the application of the same 19 persons and are of rights identically expressed being all of estovers and turbary attached to various cottages or houses at Ringshall, Little Gadsden, the applicants being as follows (Entry Nos before and the Ringshall numbers after the name):- (1) Mr S E T Cusdin, 34R; (2) Mr A T Maunders, 18R; (3) Mr J E Mayling, 24R; (4) Mr D N Hepburn, 15R; (5) Mr W T Cutler, 16R; (6) Miss F E James, 17R; (7) Miss P E Gadsden, 19R; (8) Mr R B Barrington, 20R; (9) Miss E Willmore, 21R; (10) Mr J C Milton, 22R; (11) Mrs B E N Bangay, 27R; (12) Miss J M Humphreys, 28R; (13) Mrs E Johnson, 29R; (14) Mr H A Stevens, 30R; (15) Mrs M V Wells, 31R; (16) Miss D M R Kerr, 32R; (17) Mrs O E Gilbert, 33R; (18) Mr A S James, 35R; and (19) Mr C W F Mogg, Barrynabor R. The grounds of the Objection are: "The Rights do not exist at all. The Common has been enclosed."

Mr Stacey in the course of his evidence described the lands and referred me to the Pightliesthorpe otherwise Pitstone Inclosure Award dated 10 September 1856 (confirmed by the Inclosure Commissioners on 15 September 1856) and to the Ivinghoe Inclosure Award dated 10 August 1825 (both these Awards with their annexed map were produced by Mr C D Durrant from the Buckinghamshire County Archives). By the 1856 Award the CL. 67 and the CL. 114 land was allotted and by the 1825 Award the CL. 99 land was allotted, in both cases to the Trustees of the will of the Earl of Bridgewater.



Mr Stacey also produced a document which he had recently received from the solicitors named in the application form used by 18 of the above named applicants (all except Mr Mogg), being a document signed by 16 of such 18 persons or their successors in title by which they withdrew their application for registration of rights. And I have a letter dated 16.3.78 from Mr Mogg to the same effect.

In my opinion the Awards produced and referred to by Mr Stacey are evidence that the Rights claimed do not exist. In the absence of any contrary evidence, I conclude that the registrations should not have been made. Accordingly I refuse to confirm the registrations.

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 14th day of March — 1978

a.a. Baden Fuller

Commons Commissioner