



In the Matter of Downley Common, West
Wycombe Rural, Bucks

DECISION

These disputes relate to the registration at Entries no. 9 to 20 in the Rights section of Register Unit No. CL 73 in the Register of Common Land maintained by the Bucks County Council and are occasioned by Objection No. 112 made by Sir Francis Dashwood and noted in the Register on 25 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Aylesbury on 25 April 1979. The hearing was attended by Mr M E Zorab of the firm of Smith Woolley & Co, Chartered Surveyors, representing Sir Francis Dashwood ('the Objector'). Other attendances by or on behalf of applicants are mentioned below.

The Objector is registered as the owner of the Common, and the Objection is based on the grounds that the rights of common do not exist.

(1) In the following cases agreement has been reached between the Objector and the applicant (or his successor in title), namely Entries Nos. 9, 11, 12, 13, 14, 18, 20. In each case there is documentary evidence of the terms of the agreement; Mr M J Langley (Entry No. 11) and Mr. * Younger (Entry No. 14) were also in attendance at the hearing. The agreements provide for modification of the rights, and the details of the modifications appear in the Schedule below: and I shall confirm these registrations modified as stated in the Schedule.

(2) Entry No. 10. Mr J Gavan, Solicitor, of the firm of Waterhouse & Co. appeared on behalf of Mr K V Shooter (the successor in title of the applicant Mr L Morris) and stated that his client wished to withdraw the registration. I shall therefore refuse to confirm this registration.

(3) Entry No. 16. There was no attendance by or on behalf of the applicant, Mr A R Meakes and accordingly no evidence in support of this right. It appeared (see the letter of Smith Woolley & Co. dated 24 July 1973) that negotiations with a view to an agreement had taken place and that the Objector was agreeable to a modification of the right, but there is nothing to show that the applicant accepted the modification. Mr Zorab stated that his client was still agreeable to the modification, and in the circumstances I shall confirm the registration with the modification (as set out in the Schedule).

(4) Entries Nos. 15, 17 and 19. There was no attendance by or on behalf of the respective applicants. In these cases there was no agreement and the Objection was maintained. In the absence of any evidence to support the claimed rights I shall refuse to confirm the registration.

Schedule

Registrations confirmed with modifications

Rights Section
Entry No.

Modification of Rights Section, Column 4

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| 9 | Delete existing particulars and substitute "To graze two goats and a right of estovers, in each case over the whole of the land comprised in this register unit". |
| 11 | Delete existing particulars and substitute "To graze two goats, two ponies and two sheep, and a right of estovers over the whole of the land comprised in this register unit". |



Rights Section
Entry No.

Modification of Rights Section, Column 4

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| 12 | Delete existing particulars and substitute "To graze one goat and a right of estovers over the whole of the land comprised in this register unit". |
| 13 | Delete existing particulars and substitute "A right of estovers over the whole of the land comprised in this register unit". |
| 14 | Delete existing particulars and substitute "A right to graze one horse only and a right of estovers over the whole of the land comprised in this register unit". |
| 16 | Delete existing particulars and substitute "A right of estovers over the whole of the land comprised in this register unit". |
| 18 | Delete existing particulars and substitute "A right of estovers over the whole of the land comprised in this register unit". |
| 20 | Delete existing particulars and substitute "To graze one pony and a right of estovers, in each case over the whole of the land comprised in this register unit". |

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

31 May

1979

L. J. Morris Smith

Commons Commissioner