



In the Matter of Turville Heath (part), Turville,  
Buckinghamshire

DECISION

These disputes relate to the registrations at Entry Nos 1 and 3 in the Rights section of Register Unit No CL 6 in the Register of Common Land maintained by the Buckinghamshire County Council and are occasioned by Objections Nos 45 and 46 made by Mr V H Nairne and Objections Nos 56 and 54 made by the Turville Parish Council and all noted in the Register on 21 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Aylesbury on 27 June 1978. The hearing was attended by Mr P R Fitzgerald, solicitor, on behalf of Mrs P H Slater, the applicant for the registration at Entry No 1, and Mr H H J Button, the Clerk of the Parish Council. There was no appearance by or on behalf of Mr Nairne and Mrs K M Mortimer, the applicant for the registration at Entry No 3, but by a letter dated 22 March 1977, addressed to the Clerk of the Commons Commissioners, solicitors for Mr John Mortimer, Q.C., who had inherited Mrs Mortimer's property at Turville Heath, stated that he could not see himself in a position where he would wish to exercise the rights the subject of the registration at Entry No. 3.

This left contested only the registration at Entry No. 1. This registration is of (a) A common of pasture for 3 cows, 3 horses, 3 sheep; (b) A common of estovers.

Mrs Slater has taken firewood from the land comprised in the Register Unit, but she has never turned animals out onto it because the grazing is not good.

Mrs Slater said that on the basis of levancy and couchancy the number of animals mentioned in her registration was excessive, and said that her land would support 3 sheep or 2 cows or 1 pony. Mr Button accepted that this was a fair assessment and said that he did not wish to pursue the Parish Council's Objection to this registration.

For these reasons I confirm the registration at Entry No 1 with the following modifications, namely, the substitution for the words "3 cows, 3 horses, 3 sheep" of the words "3 sheep or 2 cows or 1 pony" and the addition after the word "estovers" of the word "(firebote)", and in the absence of any evidence I refuse to confirm the registration at Entry No 3.

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

21st

day of

July

1978

  
CHIEF COMMONS COMMISSIONER