



In the Matter of Cheriton Ridge, Malmsmead Hill,
Parts of Shilstone Hill and Tippacott Ridge, Brendon

DECISION

This dispute relates to the registration at Entry Nos. 2,3,5,6,8,10, 15,16,17,20,24,29,30-35 in the Rights section of Register Unit No CL.175 in the Register of Common Land maintained by the Devon County Council and is occasioned by Objections ~~made~~ made by Badgworthy Land Co Ltd and noted in the Register the conflicting registrations at Entry Nos 3 and 10,15 and 34, and 8 and 35 in the same Rights Section.

I held a hearing for the purpose of inquiring into the dispute at Barnstaple on 8 December 1983. The hearing was attended by Mr N. Ayres of Crosse, Wyatt & Co., Solicitors of South Molton representing the Brendon Commoners Association and Mr R Humphries f.r.i.c.s for the Objector.

This Common adjoins Register Unit No. CL. 168 which is known as Brendon Common and there is no dividing fence or wall between the two units.

The disputes relating to the two units were heard together and in each case I agreed to an adjournment to give the parties an opportunity to settle their differences raised by the objections and conflicting registrations.

Although the process took longer than had been expected I was able to hold a further hearing to conclude the matter, again at Barnstaple, on 6 November 1985.

Most of the applications had been made in N F U units in respect of grazing and to comply with the requirements of section 15 of the Act of 1965 it was necessary for those rights to be expressed in terms of numbers of animals. It was agreed that a single N F unit should be evaluated as follows:

- 1 Unit = 1 Cow or horse or 6 sheep or 12 lambs
- $\frac{1}{2}$ unit = 1 pony or 1 head of cattle 2-4 years
- $\frac{1}{2}$ unit = 1 head of cattle 1-2 years
- $\frac{1}{4}$ unit = 1 head of cattle under 1 year

For these reasons I confirm the following registrations (with such modifications as are set out below)

Entry No.

2. Turbary and to graze 15/30 units *9918*
3. Turbary, Estovers and to graze ~~17/34~~ units *c*
5. Turbary, Sand Gravel and Stone (but only from Tippacott Quarry) and to graze 21/42 units

*(delete from Column 5
"Part Higher Strambles
91")*



Entry No.

- 6. Turbary and to graze 72/144 units
- 15. Turbary, Estovers and to ~~graze units~~ *graze 4 units*
- 16. Turbary and to graze 4 units
- 17. " " " "

- 20. Turbary, Estovers and to graze 51/102 units
- ~~22. Turbary and to graze 10 units~~
- 24. To graze 4 units
- 29. To graze 4 units
- 31. " " " "
- 32. " " " "
- 33. Turbary and to graze 2 units
- 38. Turbary, Estovers and to graze 8/16 units
- 39. Turbary Estovers and to graze 10/19 units
- 41. To graze 2/5 units
- 42. To graze 3/7 units

Where there are alternative numbers for grazing units the larger number only applies during the period 16 May to 15 November in each year.

I refuse to confirm the registrations at Entry Nos. 8, ~~10~~, 34 and 35.

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 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 *November* 1985

Levy Herbert
COMMONS COMMISSIONER

Amended in pursuance to para 33 of the Commons Commissioners Regulations 1971

Levy Herbert 12. xii. 85
Further amended Levy Herbert 5. ii. 86.

Further amended by
Martin Holt
Commons Commissioner
18. iii. 87