



COMMONS REGISTRATION ACT 1965

Reference No. 210/D/104

In the Matter of Hewood Green, Thorncombe,  
Dorset (NO.2)

DECISION

This dispute relates to the registration at Entry No. 5 in the Land Section of Register Unit No.CL.5 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 7 made by Mr R.F.C. Coles and noted in the Register on 28 November 1969.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 30 November 1978. The hearing was attended by Mr F H Down, the applicant for the registration, and Mr E House, the applicant for the registration at Entry No.1 in the Rights Section of the Register Unit, and the Objector was represented by Mr P Goodlet, Solicitor. There was no appearance by or on behalf of Mrs R Colyer, whose application was noted under section 4 (4) of the Commons Registration Act 1965, but Mrs Colyer signed a copy of the document hereafter referred to.

There was handed to me a document headed "Application for Decision by Consent" requesting the Commons Commissioner to refuse to confirm the registration upon certain terms there set out. This document did not, however, comply with the requirements of reg. 31. of the Commons Commissioners Regulations 1971 because it was not signed by or on behalf of all the persons entitled to be heard at the hearing. Nevertheless, I can give a decision in accordance with it, because none of those who had not signed was present or represented at the hearing, and I have refused to confirm the only registration in the Rights Section of the Register Unit by my decision in In the Matter of Hewood Green, Thorncombe (NO.1) (1981)Ref: No. 210/D/105.

In these circumstances I refuse to confirm the registration.

The terms upon which it was agreed that I should be asked to refuse to confirm the registration cannot, of course, be entered in the Register Unit, the whole of which will become void. Should there be any dispute arising out of the terms in the future, such dispute would have to be the subject of litigation in the appropriate Court of civil jurisdiction. It may, however, be helpful to those concerned for me to summarise these terms.

1. Mr Coles is acknowledged to be the owner of the land comprised in the Register Unit.
2. Mr Coles undertakes not to erect any fence in addition to the existing fence on the land.
3. Mr Coles acknowledges the right of the owners of neighbouring properties to pass and repass with or without vehicles or cattle on any part of the land for the purpose of gaining access to their properties from the Council road adjoining the land.



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4. Mr Coles acknowledges the right of children (i.e. minors under the age of 18 years) of the owners and occupiers of the adjoining properties to play upon the land.

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

8<sup>th</sup>

Day of

January

1982

Chief Commons Commissioner