

COMMONS REGISTRATION ACT 1965

Reference No. 10/D/4

In the Matter of Knacker's Hole Common, Puncknowle, Dorset (No.3)

DECISION

This dispute relates to the registration at Entry No.8 in the Land section of Register Unit No. C.L.2 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No.126 made by John Roddick Bridgman and noted in the Register on 17th December 1970.

With the assistance of Mr. J. Svensson, F.R.I.C.S., as Assessor, I held a hearing for the purpose of inquiring into the dispute at Dorchester on 6th March 1972. The hearing was attended by Mr. R.W. Cox, Chairman of the Puncknowle Parish Council, and Mr. P.J. Kneip, solicitor for Mr. Bridgman.

Having refused to confirm the registration of rights of common over this land, it is now necessary for me to consider whether it has been rightly registered as common land, since the definition of "common land" in s.22(1) of the Commons Registration Act 1965 includes not only land over which there are rights of common, but also manorial waste not subject to rights of common.

At the outset of the proceedings it was stated on behalf of the Parish Council that it was no longer contended that the land comprised in enclosure No.130 on the Ordnance Survey Map of the parish (1902 Edition) should be included in the registration.

Enacker's Hole Common is shown on the tithe map for the parish of Funcknowle without a number and had no tithe rent_charge apportioned to it.

For many years before 1961 the entrance to the land from the road to the north was open, but it was closed by two alip rails when animals were on it. A number of inhabitants of the parish used to put cattle, horses and goats on the land from time to time.

Evidence was given by Mrs. Mary Blanche Trevitt, who was born in Puncknowle over 70 years ago, that her father paid 1/- a year to the lord of the manor for permission to have two wagon houses on the land in question. A Mr. Churchill also paid 1/- a year for a wagon house and a stable, and a Mr. Eveleigh paid the same for permission to have a stable on the land.

On 26th May 1960 Mr. Lionel John King, who was at that time the owner of the manor or reputed manor of Puncknowle, applied to the Minister of Agriculture, Fisheries & Food under s.194 of the Law of Property Act 1925 for consent to the erection of a fence with a pedestrian gate across the north end of Mnacher's Hole. Mr. King informed the Minister that the land was manorial waste, but that, so far as was then known, there was never



common of pasture for farm stock, nor common of estover, common of turbary or common in soil. Mr. King stated that the purpose of the proposed fence was to close the land temporarily in order to clear it of scrub and rabbits, drain it, clean the ditches and generally reclaim the land by ploughing it up and laying it down to permanent pasture. By an agreement made 3th September 1960 between Mr. King and the Bridport Rural District Council Mr. King undertook when the permanent pasture was well established for ever thereafter to permit members of the public to use the land as an open space.

It seems to me that until the erection of the temporary fence the land in question had the characteristics of manorial waste in that it was open, unenclosed and uncultivated and was not part of the lord's demesne. Since Mr.King was not purporting to enclose the land permanently, it does not appear to me that his action had the effect of depriving the land of its status as manorial waste.

For these reasons I confirm the registration with the following modification: The area to be reduced by the exclusion of No.130 on the Ordnance Survey Map of the parish (1902 Edition).

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 natice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 24th day of March 1972

Chief Commons Commissioner