



In the Matter of the tract known as Mynydd Preseli

DECISION

This dispute relates to the registration at Entry No. 169 in the Rights Section of Register Unit No. CL.19 in the Register of Common Land maintained by the Dyfed County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL.19 in the said Register.

I held a hearing for the purpose of inquiring into the dispute at Fishguard on 6 June 1995. The hearing was attended by:

(i) Mr J E George, solicitor, in two different capacities, first as Steward of the Barony of Kemes and secondly as the solicitor acting for Mr Jeff Webb:

(ii) Mr Jeff Webb himself: and

(iii) Mr W J Lewis of the County Planning Department of Dyfed County Council, the registration authority.

The land affected by the conflict ("the Land") has an area of about 0.415 of an acre and is Plot No. 479 on the Ordnance Survey Map for Pembrokeshire 2nd edition (1907).

It was claimed on behalf of Mr Webb that the Land has never been common land and should not have been registered as such. In support of his claim there were produced:

(a) a statutory declaration made by Barclay Owen Edwards on 4 September 1975 from which it appears that the Land had for over a century formed part of a small-holding known as Goilen-Goch owned throughout by Mr Edward's family:

(b) a copy conveyance dated 5 December 1975 whereby H M Davies as personal representative of the late John Edwards conveyed Goilen-Goch (including the Land) to S A Seymour in fee simple:

(c) a copy conveyance dated 31 December 1987 whereby S A Seymour conveyed Goilen-Goch (including the Land) to Mr Jeff Webb in fee simple.

Mr Webb then gave evidence. He said he had lived at Goilen-Goch since purchasing the same in 1987: that the Land has to the best of his belief always been separated, as part of Goilen-Goch, from the adjacent common land by an old stone wall: that he has throughout his ownership had exclusive occupation and enjoyment of the Land and used it for grazing and that no-one has ever questioned his right to do so or made any adverse claim to grazing or other rights.



No-one at the hearing offered any evidence contrary to Mr Webb's. No notice of opposition to this claim has so far as I am aware been given by anyone. Conversely, Edward Harris & Son, solicitors to the Preseli Commoners Association, have by letter dated 1 June 1995 informed the Clerk to the Commons Commissioners that the members of the Association are of the view that the Land "has been enclosed from the common for very many years and should not form part of the registered common".

Mr George of behalf of Mrs Hyacinth Hawkesworth, the Lady Marcher of the Barony of Kemes, stated her acquiescence in Mr Webb's claim.

On the above facts I am satisfied that the Land should not have been registered as common land and I confirm the registrations mentioned above in the Rights and Land Sections of the said Register with the following modification namely the Land shall be removed from the said Land Section.

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

15th

day of

June

1995

Commons Commissioner