



COMMONS REGISTRATION ACT 1965

Reference No. 214/D/162-163

In the Matter of Plaitford Wood Common, Melchet  
Park and Plaitford, Test Valley D

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DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries Nos. 1 and 3 in the Rights Section of Register Unit No. CL 155 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No. OB3 made by Mr Hugh Quigley and noted in the Register on 4 November 1968.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 12 February 1980. The hearing was attended by Mr A J Lightfoot, Solicitor, appearing on behalf of Mr H J Bowles and by Mr K F Wylie, of Counsel, appearing on behalf of Mr S Quigley and Mrs M S Hughes. There were no other appearances.

The registration in the Land Section was made on the application of Mrs B McDiarmid, and there are two other applications noted, one by the Clerk, and the other by the Chairman, of Melchet Park and Plaitford Parish Council. There are two outstanding Entries Nos. 1 and 3 in the Rights Section, made respectively on the applications of Mr H J Bowles and Mrs M A R Tuffin. The Objection is on the ground that Plaitford Wood was not Common Land at the date of registration, and the Objector, Mr H Quigley, was the applicant for registration in the Ownership Section as owner of the whole of the land comprised in the Register Unit ("the Unit land"), a registration which has become final. Mr Quigley died in 1979 and Mr S Quigley and Mrs Hughes are his successors.

Mr Lightfoot called a number of witnesses, but following an adjournment I was told that as regards Entry No. 1 (Mr Bowles' rights) in the Rights Section agreement in principle had been reached between the parties. I have now seen the terms of this agreement and I will give effect to them, so far as they relate to this Register Unit, by substituting for the existing particulars of the rights in Entry No. 1, a right to graze 25 cows and heifers and to take dead wood. These rights are to be restricted to the part of the Unit land lying to the south of the line AB on the plan annexed to the terms of agreement: this will follow from the exclusion (see below) from the Unit land of the part lying to the north of that line.

In the absence of evidence to support the registration at Entry No. 3 in the Rights Section, I refuse to confirm the registration.

As regards the registration in the Land Section, my decision as to the Rights will leave no rights of common over the part of the Unit land lying to the north of the line AB, and there was no evidence to suggest that it is waste land of a manor. Accordingly I shall confirm the registration at Entry No. 1



in the Land Section, modified by the exclusion of the land lying to the north of the line AB.

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

6 April

1981

*L. J. Morris Smith*

Commons Commissioner