



In the Matter of Hartlebury Common, Hartlebury and
Stourport-on-Severn, Hereford and Worcester (No. 5)

DECISION

This dispute relates to the registration at Entry No 14 in the Rights section of Register Unit No CL 68 in the Register of Common Land maintained by the former Worcestershire County Council and is occasioned by Objection No 72 made by the former County Council and noted in the Register on 7 June 1971.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 30 November 1977. The hearing was attended by Mr J E Selway, the applicant for another registration, to whom I gave leave to represent Miss D G Middleton, the applicant for the registration at Entry No 14, and by Mr M Bowmes, solicitor, on behalf of the Hereford and Worcester County Council, the successor authority of the Objector.

Mr Bowmes informed me that he accepted that Miss Middleton was entitled to a right to take sand and gravel, but not to graze.

All that Mr Selway was able to tell me was that Miss Middleton believed that rights of common were mentioned when she purchased her property in 1937. This is not sufficient to prove a right to graze.

For these reasons I confirm the registration with the following modification:- namely, the deletion of the words "and the right to graze 2 cows or horses and 12 sheep".

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.

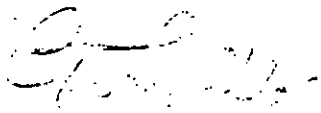
Dated this

6th

day of

February

1978


Chief Commons Commissioner