



COMMONS REGISTRATION ACT 1965

Reference No. 215/D/134
215/D/135

In the Matter of Huntingtrap Common,
Hanbury, Wychavon, District,
Hereford & Worcester.

DECISION.

These disputes relate to the registrations at Entry No.1 in the Land Section and at Entry No.1 in the Rights Section of Register Unit No. CL.89 in the Register of Common Land maintained by the Hereford and Worcester County Council and are occasioned by Objection No. 18 made by Mr. Thomas George Fowler and noted in the Register on 13 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 3 July 1975. At the hearing Mr. Fowler was represented by Mr. A.W. Budd, solicitor of Pugh Fisher Holyoake & Foster, Solicitors of Droitwich.

The registration in the Land Section was made pursuant to the application of Droitwich Rural District Council. The registration in the Rights Section is of a right to graze 1 horse or donkey, 6 cows or 12 pigs and 2⁴ head of poultry, and was made on the application of Mr. O.K. Eveson. The grounds of objection are (stating their effect shortly) that the land was not at the date of registration common land, and that the right does not exist at all.

Mr. Budd referred me to a letter dated 27 June 1975 from Harrison Clark & Co., Solicitors of Worcester stating (in effect) that they were instructed by Mr. Eveson that he did not wish to proceed with his application for registration of common rights, and a letter dated 2 July 1975 from the Solicitor to the Wychavon District Council stating (in effect) that the Programming and Co-ordination Committee of the Council has resolved not to pursue the registration made as above stated on the application of the Droitwich Rural District Council.

The Register map shows the land comprised in this Register Unit as an irregularly shaped piece having an average length of about 400 yards and an average width of about 200 yards, just south of the Huntingtrap Farm buildings (about 2 miles of Droitwich)m. Mr. Budd said that the land is completely surrounded by lands farmed with Huntingtrap Farm, of which Mr. Fowler is tenant, and that he had for a number of years used it exclusively.

On the information given to me as set out above, I conclude that the registrations should not have been made, and accordingly I refuse to confirm them.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a persons 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 21st — day of July — 1975.

a. a. Baden Fuller

Commons Commissioner.