



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/64

In the Matter of Cwmgwyn and  
Medwalleth Common, Beguildy

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DECISION

This dispute relates to the registration at Entry No. 34 in the Rights Section of Register Unit No. CL. 20 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 630 made by Mr J L Mills and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 8 January 1976.

The hearing was attended by Mr A C Pugh, one of the Applicants, in person; and by Mr Gareth Morris, Solicitor for the Objector, Mr J L Mills. The ground of the Objection is that there was no grazing right attached to Yewtree Hill.

Mr Pugh gave evidence. He told me that Yewtree Hill adjoins the Common. He and his brother (S J Pugh) have owned Yewtree Hill since 1964. Between 1922 and 1964 the land belonged to Mr T C Lloyd of Llethru, Montgomery. The witness said he had known Yewtree Hill since boyhood, ie for nearly 50 years. Mr Lloyd used to farm Yewtree Hill, together with Llethru and Bryngaw, as one unit, until Llethru was taken over by the Ministry during the War. Mr Lloyd used the Common extensively all the time. He used to turn hundreds of sheep and ponies onto the Common, sometimes as many as 100 ponies. The Applicants bought Yewtree Hill from the estate of Mr Lloyd. Since 1964 the Applicants have farmed Oak Farm and Yewtree Hill as one unit, and have regularly turned out some 500 sheep on average onto the Common. The Applicants have registered a right to graze 348 sheep units in respect of Oak Farm (see Entry No. 14), and this registration, being undisputed, became final on 1 October 1970.

Mr J L Mills gave evidence to the effect that Mr Lloyd did not turn out sheep from Yewtree Hill to the Common.

Mr Morris also put in an Affidavit by Mr Thomas Albert Pryce of Penylan Kerry, who testified that when he was in charge of Mr Lloyd's stock on Yewtree Hill between 1947 and 1964, he was told not to turn out any animals onto the Common because Yewtree Hill being in the County of Montgomery did not enjoy any rights over the Common in Radnorshire.

There is considerable conflict of evidence here, but, on the whole, I prefer the evidence of Mr Pugh, which, as it seems to me, is sufficient to establish that a prescriptive right of common of pasture is attached to Yewtree Hill. I cannot attach much weight to the evidence of Mr Pryce, as he was not available for cross-examination.

For these reasons I confirm the registration.



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 20<sup>th</sup> day of

May

1976

A. E. Francis

Commons Commissioner