



In the Matter of Llandefalle Common,  
Llandefalle and Dlangoed Common, Llynwen

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DECISION

This dispute relates to the registrations at Entry Nos. 14 and 17 in the Rights Section of Register Unit No. CL 9 and CL 112 respectively in the Register of Common Land maintained by the Powys County Council and is occasioned by Objections No. 427 made by the Llangoed Commons Association and noted in the Register on 15 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 26 July 1983. The hearing was attended by Mr G Harley, the applicant in the Rights Section appeared in person and the Commoners Association was represented by Mr D R Jones and Mr W R Owens, the present Chairman and Secretary.

I decided to hear these two references at the same time because all the applications for rights over CL 112 are by reference to the applications for rights over CL 9.

Mr Harley's application was for the right 'To graze 300 sheep plus their lambs until weaned and 5 ponies plus their foals until weaned. Right to feed 20 cattle from January to May. Right to cut and take away bracken'.

In evidence Mr Harley said that he was now 75 years old. He had worked with sheep for the past 60 years, and had spent 50 of those as Perthduan, where he started work in 1927. In 1950 he had become Tenant of Coed Cochyn and in the same year he had purchased Gellihir. Perthduan had been devised to him by his landlord who had died in 1967/8. He had been tenant of Perthduan since 1958. Perhaps because of his age Mr Harley had very little idea of the size of his flock. His flock reached 250-300 in 1946/7, when 280 died. Four years later the number was back to 300 but to use his own words the numbers varied from time to time.

On this evidence I am not satisfied that Mr Harley has satisfied the requirements of the Prescription Act 1832, which are necessary to establish his claim.

Mr Jones put in evidence, the Minute Book of the Association which showed that in 1967 a resolution had been passed setting out the claim which each member would register in respect of his holding and in the case of Mr Harley 199 sheep. Each claim had been calculated on the same basis.

In my view it was not open to Mr Harley to disregard this resolution and put in a larger claim. The other members registered claims in accordance with the terms of the resolution.

The Association does not oppose Mr Harley's claim if it is limited to 199 sheep.

For these reasons I confirm the registrations in both Rights Sections with the following modification, that they are limited to 199 sheep or stock equivalent.



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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

15<sup>th</sup>

day of

August

1983

A handwritten signature in cursive script, appearing to read "George Herbert".

Commons Commissioner