Reference No. 276/0/125

In the Matter of three tracts of land forming part of The Eppynt

DECISION

This reference relates to the question of the ownership of the land above mentioned being the part of the land comprised in the Land Section of Register Unit No.CL 5 in the Register of Common Land maintained by the Powys County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference two persons claimed to be the freehold owner of one of the said tracts of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Brecon on 27 July 1983.

Mr Phillip Price of Counsel instructed by Messrs Jeffreys and Fowell Solicitors of Brecon, appeared for the two claimants (1) Mr David Rees Price and (2) Mr and Mrs Phillips.

The tracts are described in the Notice of Reference dated 6 January 1982 as follows.

Parts CL 5. Three tracts of land forming part of the Eppynt.

- (i) Land adjacent to Troed-y-rhiw, grid reference 942 337
- (ii) Land south west of Garreg Fawr, grid reference 941 370
- (iii) Land at grid reference 970 357.
- (i) This tract is a small projection running south from the southern most point of the Register Unit and lies to the east of Troed-y-rhiw. No one claimed to own this land.
- (ii) This tract is in the N.W. corner of the Register Unit and is bounded on the North West and South sides by the boundary of the Unit and on the west side by a natural boundary which was to the SW of the words Garreg Fawr. This land was claimed by Mr and Mrs Phillips. Mr Phillips purchased the tract in 1960 from the personal representatives of Morgan Morgan deceased and in 1971 he made his wife a joint owner with himself.
- (iii) This tract is in the middle of the eastern edge of the Register Unit and on the Register map the figure 1207 appears within its boundary. It is due North of Blaengwy Farm. It is OS. No. 289 on the second edition 1904 Breckmockshire Sheet XX1 10 and contains 9.789 acres.



Mr David Rees Price, the tenant of Cwm Pistyll Farm which adjoins the Register Unit along the eastern boundary of this tract, claimed to have acquired a possessory title to this tract. His father had purchased Cwm Pistyll Farm in 1922. The tract was not fenced but subsequently a fence was erected on the western boundary of the tract.

On this evidence I am satisfied that Mr and Mrs Phillips and Mr David Rees Price are respectively the owners of tracts (ii) and (iii), I shall accordingly direct the Powys County Council, as registration authority, to register them respectively as the owners of the said tracts under section 8(2) of the Act of 1965.

I am not satisfied tht any person is the owner of tract (i) it will therefore remain subject to protection under section 9 of the Act of 1965.

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

1516

day of any and family Harbert

1983

Commons Commissioner