



In the Matter of Clee Hill Common in the parishes of
Hopton Wafers, Coreley, Bitterley and Stoke St. Milborough,
Salop

DECISION

These disputes relate to (a) the registration at Entry No 1 in the Land Section of Register Unit No. CL.12 in the Register of Common Land maintained by the Salop County Council (B) the registration ~~at~~ a number of Entries in the Rights Section of that Register Unit.

(a) There are seven objections to the registration in the Land Section (numbered respectively 0.8 0.9 0.10 0.11 0.12 0.13 and 0.14), each of which was in fact an objection to registration of a small plot included in the registration of which the objector was the owner. It appeared that the inclusion of these plots in the register unit was not intended by the applicant for registration, Clee Hill Commoners Association ("the Association").

(B) The Entries in the Rights Section to which objection is made ^{are} ~~are~~ (i) those numbered 1-19, 21-139, 141-145 occasioned by the seven objections referred above:

(ii) Those numbered as follows (the bracketed number after each being the number of the objection) namely 17 (0.74) 21.(0.75) 64(0.81) 73.(0.82) 80(0.83) 87(0.85) 98(0.89) and 141(0.123). The Objector in each case is Clee Hill Commoners Association ("The Association") and these objections were all noted in the Register on 4 January 1972.

I held a hearing for the purpose of inquiring into the disputes at Ludlow on 24 January 1979. At the hearing Mr R. Herbert, solicitor of the firm of C. Uphill Jagger Son and Tulley, appeared on behalf of the Association; none of the other parties to the disputes appeared or were represented as such at the hearing, but there were in attendance Mr Quinn (one of the seven objectors) and Mr Salter, Mr Hinwood, Mr Weaver, Mr Varney and Mr Gumbly who were among the registered holders of rights (or successors in title to such holders)

Mr W R Spencer, solicitor, of the firm of Morgans, Ludlow, appeared on behalf of Clee Hill (Holdings) Ltd who, he stated, own part of the common, and that there are buildings on a large portion of their land which preclude the exercise of any grazing rights. His clients are not parties to the disputes but wished their position to be noted.

Mr Herbert said that the Association did not oppose the seven objections to the inclusion in the registered land of the objectors' respective plots of land and accordingly I see no reason why I should not give effect to these objections. It is true that this will involve the loss to any rights holders, such rights as they may have over those particular plots, but as none of them has appeared to establish those rights, I see no valid ground for complaint by them, and in any event their loss in regard to these small plots is de minimis. The rights holders in attendance all said they had no objection to the exclusion of the plots from the registered land. Correspondingly if effect is given to the seven objections by the exclusion of their plots, they can have no ground for maintaining objections to the exercise of rights over the remainder of the registered land.



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As regards the objections to rights by the Association (see (B) (ii) above), Mr Herbert informed me that the Association was prepared to withdraw these objections, subject in certain cases to modifications which have been agreed. I was satisfied from what Mr Herbert told me which was supported by letters of agreement to modifications from rights holders or their successors in title that these modifications can properly be made, and the details appear below: The modifications include the cancellation at Entry No. 64 which accordingly I shall ~~not~~ ^{cancel} in the case of Mr T H French - Entry No. 141, Objection No. 123 - There are letters dated 23 June 1978 and 12 July 1978 from his solicitors Manby and Steward of Wolverhampton withdrawing his application and I propose to refuse to confirm this registration.

In the result (A) I confirm the registration at Entry No 1 in the Land Section with the modification that there be excluded from the land the several areas described in Objection No. 8 to 14. (B) I refuse to confirm the registration at Entries No. 64 and No 141 in the Rights Section. (C) I confirm the registration at Entries No. 1-19, 21-63, 65-139 and 142-145 in the Rights Section, with the following modifications:-

- (i) Entry No. 17: In column 4 for "300 ewes and 10 cows" read "275 sheep 4 cattle and 6 horses".
- (ii) Entry No. 21: In column 4 for "1000 sheep 500 cattle ^{and} 100 horses" read "400 sheep 12 cattle ^{and} 6 ponies".
- (iii) Entry No. 80: In column 4 for "15 sheep, 5 cattle, 2 horses and 5 pigs" read "10 sheep, 2 cattle and 1 horse".
- (iv) Entry No. 98. In column 4 for "150 sheep, 50 cattle and 50 horses" read "50 sheep and 2 cattle"

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 11th day of April 1979

L. J. Morris Smith

 Commons Commissioner