



COMMONS REGISTRATION ACT 1965

Reference Nos 231/D/26
231/D/27

In the Matter of Whitcliffe
Common, Ludford, South
Shropshire District, Salop

DECISION

These disputes relate to the registrations at Entry No 3 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No CL. 16 in the Register of Common Land maintained by the Salop County Council and are occasioned by Objection No O.7 made by Mr D F A Nicholson and noted in the Register on 8 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Shrewsbury on 21 June 1978. The hearing was attended by Mr David Anthony Frederick Nicholson (the Objector) in person.

The land ("the Unit Land") in this Register Unit described in the said Entry No 3 contains (according to the Register) about 48 acres southwest of Ludlow and on the opposite side of the River. In the Rights Section at Entry Nos 1 and 2 have been registered on the application of (1) Ludlow Rural Borough Council on behalf of the Burgesses and Inhabitant Householdors of Ludlow (in gross) a common of pasture and (2) Mr R E and Mrs J Woolley (attached to the Bowling Green) a right to graze 5 cattle and 10 sheep. In the Ownership Section Rt Hon O R I Earl of Plymouth, Rt Hon I C Countess of Plymouth, and Mr M C B Sayer are registered as owners of all the Unit Land.

The grounds of Objection are:- "OS No 167 and being .817 acres...forms part of the property of Ludford House...; the land concerned is not common land... The land is shown edged red on the plan attached".

Mr Nicholson in the course of his evidence, produced a conveyance dated 3 January 1958 by which National Provincial Bank Limited, Mr R H Garnett and Mr N A H Ker as personal representatives of Mr H E Whittaker (he died 21 September 1956) with the concurrence of certain purchasers conveyed to Mrs Mina Nicholson (the wife of the Objector) Ludford House and other lands as therein described. This description included: "167 Woodland Site .817", which Mr Nicholson identified with the land edged red on the Objection Plan. He described such land as scrub and woodland fenced in on the west and south but going down steeply (a cliff) to the roads on the north (unclassified to Wigmore) and on the east (a short stretch of the Leominster road, A49).

On the evidence of Mr Nicholson summarised above, I conclude that the Objection land should not have been included in the registration. By section 5(7) of the 1965 Act, the Rights Section Entries are in question, but I have no reason for supposing that they were wrongly made in relation to the remainder of the Unit Land.

Upon the considerations outlined above, I confirm the Land Section registration with the modification that there be removed from the Register the land edged red on the plan attached to the Objection. I confirm the Rights Section



registrations without any modification save such as is necessarily consequential on the above modification of the Land Section registration. The Ownership Section registration so far as it now relates to the land to be removed from the Register, will cease to relate to such land by the operation of section 6(3) of the 1965 Act.

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 29th day of June 1978

a. a. Bodine Fuller

Commons Commissioner