



In the Matter of Wyre Common, Neen Savage,  
Bridgnorth D

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL 84 in the Register of Common Land maintained by the Salop County Council and are occasioned by four Objections Nos. O.176 and O.180 made by Mr P W Bayliss and Nos. O.181 and O.182 made by Mrs B Bayliss, all noted in the Register on 31 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Shrewsbury on 26 March 1981. The hearing was attended by Mr G Haywood, a member of and representing Neen Savage Parish Council, the applicant for registration in the Land Section: by J B Ashfield, who claimed to be successor in title to Mrs D L Price the applicant for registration at Entry No. 1 in the Rights Section: and by Mr W R Spanner, Solicitor, appearing on behalf of Mr and Mrs J N W Hardy, successor in title to Mr and Mrs Bayliss.

Mr Bayliss's Objections relate to the whole of the land ("the Unit land") except a small part at the SE end adjoining Wyre Cottage ("the SE part"). The SE Part is bounded by the line ABC on the Register map, and is the subject of Mrs Bayliss's Objections. In the Ownership Section Mrs Bayliss was in 1970 registered as owner of the SE part, and Mr Bayliss as owner of the remainder of the Unit land except a strip at the eastern end ("the E strip") which lies on the east of the line DE on the Register map. The Unit land other than the E strip had been conveyed to Mr Bayliss by a Conveyance dated 30 August 1963, the Vendor being Miss Olive Lloyd-Baker: and by a Conveyance dated 27 February 1968 Mr Bayliss conveyed the SE part to Mrs Bayliss. There were two Conveyances dated 10 June 1977 and 23 March 1978 by which Mr and Mrs Bayliss conveyed the Unit land (other than the E strip) to Mr and Mrs J N W Hardy.

Mr Spanner and Mr Ashfield informed me that there were negotiations between Mr and Mrs Hardy and the successors to Mrs D L Price for the cancellation of the Right registered by Mrs Price, by a letter dated 19 March 1981 the Solicitors for Mrs Price and Mr and Mrs Ashfield have notified the withdrawal of Mrs Price's application for registration. In these circumstances I refuse to confirm the registration at Entry No. 1 in the Rights Section. It was explained to Mr Haywood at the hearing that if this registration was not confirmed there would be no registered rights of common and the registration in the Land Section could then only be supported if the Unit land could be shown to be waste land of a manor.

Mr Haywood who has been a Parish Councillor for 30 years gave evidence. He is a farmer who has lived in the district for 65 years. The farmers paid chief rent to the lord of the Manor, Miss Lloyd Baker, and people have used Wyre Common as a picnic area and for other purposes.

Mr Haywood produced a written statement by his father, who is 88 years old, who stated that he had known Wyre Common for some 75 years: that he used to pay a chief rent to Miss Olive Lloyd Baker to enable him to graze cattle on the common, and that he redeemed this years ago by payment of a lump sum. Other farmers enjoyed the right to graze stock on the common and there was a right of way over it.



It may be the case that the Unit land was once waste land of a manor, but even so, having regard to the conveyance by Miss Lloyd Baker in 1963, it appears to have <sup>been</sup> severed from the manor before registration and therefore did not qualify for registration on this basis as common land (see re Box Hill Common 1980 Ch. 109). The E strip was not included in the conveyances but I cannot on the evidence find that this was and is waste land of a manor. In the result I refuse to confirm the registration in the Land Section.

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

1 May

1981

*L. J. Morris Smith*

Commons Commissioner