



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/27

In the Matter of land known as
Pant-y-Celyn adjoining Pant Cottage
 and The Haven, Gorsedd

DECISION

This reference relates to the question of the ownership of land known as Pant-y-Celyn adjoining Pant Cottage and The Haven, Gorsedd being the land comprised in the Land Section of Register Unit No. CL25 in the Register of Common Land maintained by the Clwyd 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 Mr and Mrs H. N. Moore of Pant Cottage claimed to be the freehold owners 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 Mold on 8th April 1975.

The hearing was attended by the Claimants, Mr and Mrs Moore; and also by Mr E.A. Nash (the applicant for registration) and his wife, who were represented by Mr. Gerald Davies, Solicitor, and claimed ownership of so much of the land in question as lies to the east of a fence which runs across the land from north to south from the cottages (Pant and Haven) to the public highway. Mr and Mrs Nash are the owners of The Haven, No.2 Pant-y-Celyn Cottages.

Mr Nash gave evidence and produced a Conveyance dated 7th July 1953, by which one Lucy Tollerfield conveyed The Haven and the garden thereto belonging to Mr and Mrs Nash in fee simple. The property conveyed was coloured pink on the plan annexed to the Conveyance. It did not comprise any part of the land in question. The plan, however, showed edged blue an area of land lying between the cottages and the highway which included the land in question and over which the Vendor reserved a right of way to her garden (lying to the south east of The Haven) and granted (so far as she was able) to the Purchaser such rights of light air water and drainage as should be subsisting and thereto enjoyed in respect of The Haven.

Mr Nash also produced a letter, undated but written in reply to a letter written by him in 1954, from the Vendor Miss Tollerfield, from which it appears that her father had over 20 years previously erected the fence referred to above with the permission of Lord Mostyn, apparently in order to prevent gypsies camping on the land.

Evidence was also given by Mr and Mrs Moore. They produced a Conveyance dated 28th December 1955, by which one M. J. Toal (who derived title through one Ethel Mary Spinks from the said Lucy Tollerfield) conveyed Pant Cottage and garden, together with the whole of the land edged blue on the plan annexed to the Conveyance to Mr and Mrs Nash, to Mr and Mrs Moore in fee simple.

On the face of the documents, therefore, there is no doubt that the land in question belongs to Mr and Mrs Moore. Mr and Mrs Nash can claim title to the land lying to the east of the fence only on the basis of ~~adverse~~ possession for upwards of 12 years.



- 2 -

The evidence given by Mr Nash, was, in my view, wholly insufficient to establish a possessory title.

On this evidence I am satisfied that Mr Herbert William Moore and his wife Mrs Elizabeth Jane Moore, both of Pant Cottage are the owners of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register them as the owners of the land under section 8(2) 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 15th day of October 1975

A. E. Francis

Commons Commissioner