



In the Matter of Coed-Y-Caerau Common, Langstone

DECISION

These disputes relate to the registration at Entry No. 1 in the land section of Register Unit No. CL.63 in the Register of Common Land maintained by the Gwent County Council occasioned by Objection No. 77 made by the Gwent Water Board and noted in the Register on 29 October 1970 and to the Registration Entries Nos. 1 and 2 in the rights section of that register unit occasioned by that objection.

I held a hearing to enquire into these disputes at Monmouth on 20 November 1985. At that hearing Mr Philip Arthur Friend represented Mrs Marjorie Rose Friend the claimant at Rights Entry No. 1 and Miss Irena Wasilewska appeared for the Welsh Water Authority.

Mr Friend gave evidence that he was 57 years old and had lived at Coed-Y-Caerau all his life. His father had regularly grazed a cow and a calf a horse and 2 sows on the common without payment or permission. The claim, however, was for "50 animals and sheep". In view of the fact that there was no claim for pigs as such and that the dominant holding was only 1½ acres I suggested he limited his claim to the more usual 2 horses or 2 cows or 10 sheep which with the consent of his wife, he readily agreed to do. I accordingly confirm the registration as so modified.

Mr Friend also stated that his father always used to cut pea sticks, bean sticks and firewood from the common without seeking permission. From this evidence, which I accept, I conclude that a right of estovers attaches to the land.

Since Mrs Whittle, the claimant at registration at Entry No. 2 / 1 in the rights section, was unable to attend I adjourned her application. This came on for hearing on 1 May 1986. Mrs Whittle appeared in person on this occasion and Miss Wasilewska for the Welsh Water Authority.

Mrs Whittle owns Greystones which is adjacent to the unit land and has 2½ acres. She inherited the holding in 1956. It was let to a Mr Haynes who died last year. He used to graze the common and cut wood for household purposes. From this evidence, together with the proximity of the holding to the common, I am prepared to draw the inference that attached to it is a right of pasture for animals levant and couchant on the land and a right of estovers for its needs. The claim for 12 ponies and 12 goats is clearly excessive for 2½ acres. Furthermore Mrs Whittle admitted that she had no evidence that goats had ever been turned out. I think a reasonable number of animals

*Amended under regulation 33*

*Peter Langdon-Davies*

*24 September 1986*



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to express the levancy and couchancy of this small holding is 3 horses or 3 head of cattle or 15 sheep. Mrs Whittle agreed to limit her claim to this figure. I accordingly confirm the registration as so modified.

Both Mr Friend and Mrs Whittle agreed to the Welsh Water Authority's objection which seeks the omission from registration of a small part of the unit land acquired by the Authority under a compulsory purchase order. I accordingly confirm the entry in the land section with the modification that the land shown in the plan attached to objection No. 77 be omitted from registration.

The claim at entry No. 1 in the Ownership Section having been withdrawn I refuse to confirm it.

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 12<sup>th</sup> day of June 1986

*Peter Langdon-Jones*

Chief Commons Commissioner