



COMMONS REGISTRATION ACT 1965

Reference No.14/D/7

In the Matter of Hams Common,
Sopley, Hampshire (No.2)

DECISION

This dispute relates to the registration at Entry No.3 in the Rights Section of Register Unit No.C.L.23 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No.OB 452 made by the Hon. J.R.C. Manners (now Lord Manners) and noted in the Register on 29th September 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 26th October 1973. The hearing was attended by Lord Manners.

Lord Manners is registered in the Ownership Section of the Register Unit as the owner of the whole of the land the subject of this reference. This registration has become final, as have the registrations of rights to graze, cattle by the owners of two farms in the vicinity. The rights which are the subject of this dispute are rights of estovers and of turbarry alleged to be attached to a house known as "Eulan", Avon Causeway, near Christchurch. These rights were registered by Mr. A. Whipp and Mrs. E.A.M. Whipp, who live at "Eulan".

Mr. and Mrs. Whipp's house is two miles away from Hams Common. The land on which it stands is not and never has been within living memory part of Lord Manners' Avon Tyrrell Estate, of which Hams Common forms part. Evidence, which I accept, was given by Mr. Sydney Lyon and Mr. Alfred Dean, both of whom have known the land in question for about 60 years, that the only rights of common which they have known to be exercised are rights of grazing and of cutting spears exercised by freeholders of property in the village of Avon. Neither witness has ever known of turf being cut by anyone and neither has ever seen Mr. or Mrs. Whipp on the land.

On this evidence I refuse to confirm the registration.

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 17th day of December 1973


Chief Commons Commissioner