



COMMONS REGISTRATION ACT 1965

Reference Nos 202/D/25
to 37 inclusive

In the Matter of Widbrook Common,
Cookham, Windsor and Maidenhead
District, Berkshire

DECISION

These 13 disputes relate to the registrations at Entry Nos 1 to 10 inclusive in the Rights Section of Register Unit No CL 65 in the Register of Common Land maintained by the Berkshire County Council and are occasioned by Objection Nos 51, 59, 60 and 61 made by Messrs George Tarrant Copas and Thomas Henry Copas and noted in the Register on 8 December 1970 and by objections Nos 93, 99, 116, 120, 125, 132, 135, 139 and 135 and made by The National Trust and noted in the Register on 16 December 1970.

I held a hearing for the purpose of inquiring into the disputes at Windsor on 20 July 1978. At the hearing (1) National Trust for Places of Historic Interest or Natural Beauty (the Land Section Entry was made on their application, and in the Ownership Section they are registered as owners of all the Land) were represented by Mr P R Fitzgerald solicitor of Walters Vandercom & Hart Solicitors of London; (2) Messrs T H and G T Copas (Entry No 1 was made on their application) were represented by Mr J Hanney solicitor of Eric P Hanney & Co, Solicitors of Pinner, Middlesex; (3) Mr Lewis James Ricketts (Entry No 4 was made on his application) was represented by Mr M Carlisle chartered surveyor of Lawrence Son and Laird, Chartered Surveyors of Marlow; (4) Mr Cyril Newman (Entry No 7 was made on his application) and Mr Robert Newman (Entry No 8 was made on his application) were represented by Mr P Ross articled clerk with Allan James & Co Solicitors of High Wycombe and (5) Miss Christine Victoria Prior and Mr John Lewis Stevenson as executors named in a will not yet proved of Mr Robin Silvio Prior (he died 25 January 1978 and Entry No 12 was made on his application) were represented by Mr A D McHugh solicitors with Knight & Maudsley Solicitors of Maidenhead.

Except as regards the registration at Entry No 10, there was no evidence that anyone other than the applicants was concerned to support the registrations. Mr Fitzgerald and Mr Hanney having said that the objectors were agreeable to dealing with the Entry Nos 1 to 9 as set out below, I am only concerned to record what was relied on as showing the agreement of the applicants.

As regards Entry No 1 made on the application of Messrs G T and H T Copas as modified pursuant to their letter dated 26 September 1972, being of a right to graze 70 cattle, 200 sheep and 10 horses:- Mr Fitzgerald said that the Objections Nos 125 and 135 by the National Trust are withdrawn; so I confirm the registration at Entry No 1 without any further modification.

As regards the registrations at Entry No 2 and made on the application of Mr R A C Simmonds as modified pursuant to his letter dated 17 October 1972 being a right to pasture 100 cattle and estovers:- Mr Fitzgerald produced a document signed by Mr Simmonds by which he agreed to the modification below set out. Accordingly I confirm the registration at Entry No 2 as modified pursuant to the said

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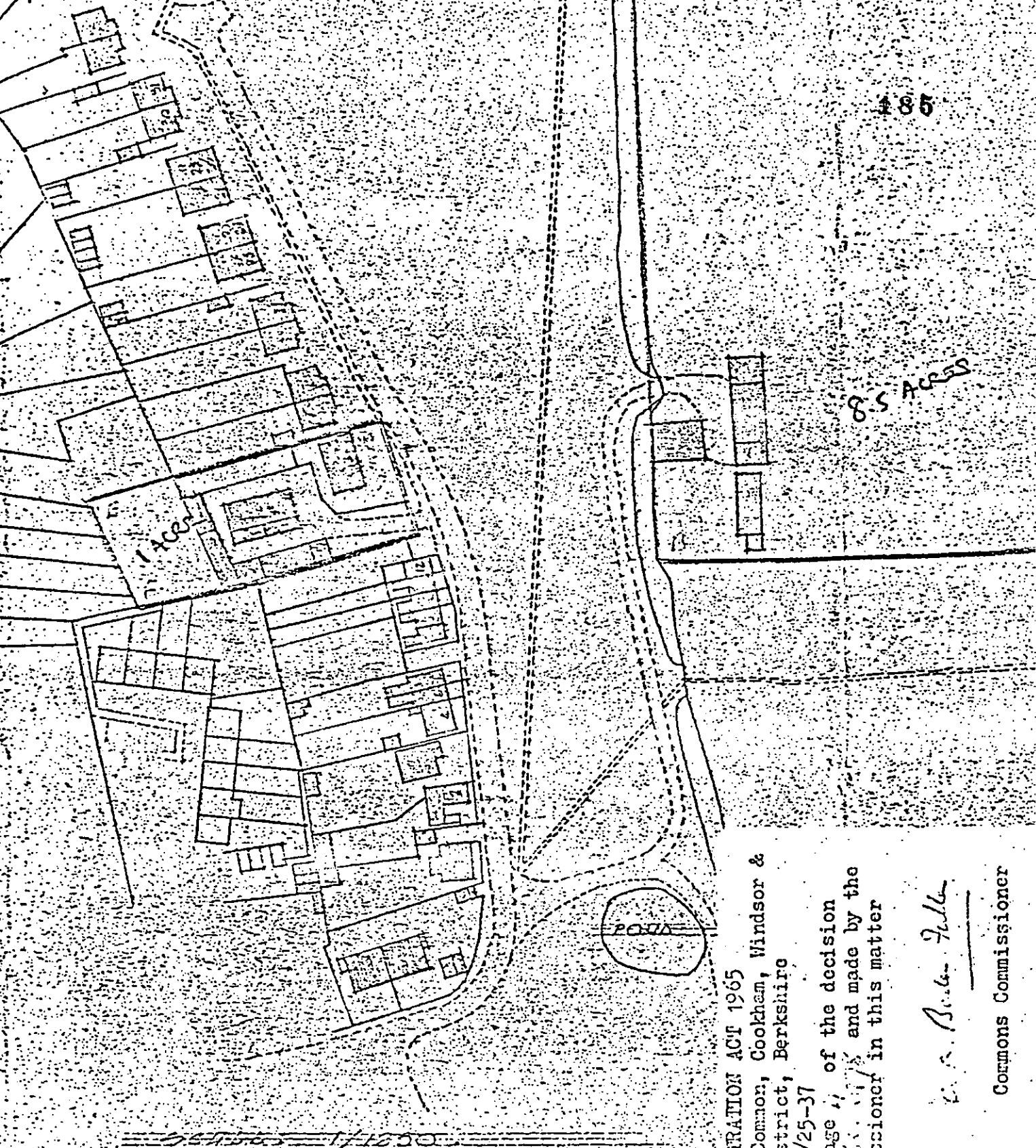
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This map is page 3 of the decision
dated 30 Oct 1978 and made by the
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a a Boden

Commons Commissioner

8.5 Acres



LITTLE FARM

HOLDING NO 02/072/0132

FIELD ACREAGE: 8.5 YARD ACREAGE

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C. S. B. G. Fells
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is map is page 3 of the decision
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as a Scale Field

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1972 letter but with the further modification that column 4 shall read: "The pasture 100 head of cattle and estovers limited to dead wood and nut coppice over the whole of the land comprised in this register unit and in register units numbered CL 58, CL 61, CL 62, CL 63, and CL 64".

As regards the registrations at Entry Nos 3, 5, and 9 made on the application respectively of Mrs M M Bird, Mr P H M Wood, and Mrs O M Wood:- I have a letter of 23 June 1978 from Giddy & Giddy Estate Agents of Maidenhead and elsewhere, enclosing a copy of a letter of 2 August 1973 to the County Council in which they say in effect that Mrs M Martin Bird, Mrs O Manners Wood and Mr P Manners Wood withdraw any registration made under the 1965 Act. So I refuse to confirm the registrations at Entry Nos 3, 5 and 9.

As regards the registration at Entry No 4 made on the application of Mr L J Ricketts to pasture 150 cattle:- Mr Fitzgerald referred me to a document signed by Mr Ricketts and others by which he in effect agreed to reduce his headage stock. So Mr Carlisle being agreeable, I confirm the registration at Entry No 4 with the modification that in column 4 for the words "pasture 150 cattle" there be substituted "pasture 30 head of cattle".

As regards Entry No 6 made on the application of Mr J R Ewers and Mr D B Ewers of a right held in gross to graze 40 cattle:- Mr Fitzgerald produced a document signed by them and others by which they (in effect) invited me by reference to the map attached to modify the registration as below set out. A copy of the said map (scale 1/1250) to which I have added the letters ABCD and EFCH to identify the red verge line forms (two overlapping parts) pages 3 and 4 of this decision. So I confirm the registration at Entry No. 6 with the modification that column 4 be: "To graze 18 head of cattle only over the whole of the land comprised in this register unit and in register units numbered CL 61, CL 64 and CL 66" and that in column 5 for the words "Held in gross" be substituted words (to be chosen by the County Council as registration authority by reference to such map as they may think fit to provide) identifying the land to which the said right is attached with that shown by the letters ABCD and EFCH on the maps being pages 3 and 4 of this decision.

As regards the right registered at Entry No 7 made on the application of Mr C Newman (Held in gross) to graze 20 cattle:- Mr Fitzgerald produced a document signed on behalf of Mr C Newman and by others in which they (in effect) invited me by reference to the map attached to modify the registration as below set out. A copy of the said map (scale 1/10560) to which I have added the letters PQRS and TUVW to identify the green verge line on the original forms page 5 of this decision. So I confirm the registration at Entry No 7 with the modification that column 4: be "To graze 20 cattle over the whole of the land comprised in this register unit and in register unit numbered CL 61, CL 62, CL 64 and CL 66", and that in column 5 for the words "Held in gross" be substituted words (to be chosen by the County Council as registration authority by reference to such map as they think fit to provide) identifying the land to which the right is attached with that shown by the letters PQRS and TUVW on the map being page 5 of this decision.

As regards the registration at Entry No 8 made on the application of Mr Robert Newman:- Mr Fitzgerald produced a document signed on his behalf inviting me to delete this entry. So with the agreement of Mr Ross I refuse to confirm the registration at Entry No 8.

As regards Entry No 10 made on the application of Mr R N Caught of a right to graze



150 cattle and 150 sheep, attached to land at Hillgrove, Highwood and Grange Farms:- The grounds of objection No 151 (Copas) are in effect the land at Highwood is outside the parish of Cookham and the right cannot therefore apply to this property, and the grounds of objection Nos 132 and 185 (National Trust) are in effect that the animal numbers are excessive. Mr T A Copas who is 39 year of age, has lived all his life at Kings Coppice Farm and been a member of the Parish Council for 5 years in the course of his oral evidence referred to the three areas shown on the plan annexed to my copy of the application dated 8 January 1969 and made by Mr Caught; he said (in effect):- The area west of Cookham Dean is in the parish of Bisham and is known as Highwood; not being in the manor of Cookham it is not entitled to any rights over any of the Cookham Common. Another area (of the attached land referred to in the said application) being that north of Cookham Rise, east of Cookham Dean and west of Cookham, is as to much of the south part owned by Mr R Newman as purchased from Mr Caught, as to two smaller parts on the north either owned and occupied by Messrs Copas or occupied by them as tenants of John Lewis Partners, and as to the remaining parts of this area is now owned by John Lewis Properties and used by their tenants as a golf course. The remaining area (referred to in the application) east of Cookham is known as Formosa, is owned by John Lewis Properties and was at one time let to Mr Caught. At a recent meeting of the Commoners Association which was attended by a representative of the National Trust it was agreed the common rights of the Manor of Cookham should be 2 beasts or 8 sheep with every acre of attached land.

Mr T A Copas referred me to the oral evidence given by his father Mr T H Copas relating to a similar application by Mr Caught and a similar objection by Messrs Copas and summarised in my decision dated 30 October 1978 in re Odney Common reference 202/D/15-17.

It seems likely that John Lewis Properties are the only persons apart from Messrs Newman and Messrs Copas concerned to support this registration at Entry No 10, and because most of the land benefited is a golf course, John Lewis Properties may not much interested. However this may be, in the absence of any evidence from them I consider I ought to give full effect to the evidence put before me at the hearing and to the views expressed by those then represented. They agreed (after some discussion) that the numbers should be 150 cattle and 84 sheep. Accordingly I confirm the registration with the modification that in column 4 for "150 cattle and 150 sheep" be substituted "150 cattle and 84 sheep" and that column 5 be altered so as to exclude from the land therein described all the land in the parish of Bisham and in particular exclude the land shown on the map annexed to the application dated 8 January 1969 and made by Mr Robert N Caught, as being to the west of Cookham Dean.

It was at the hearing suggested that I should confirm the registrations at Entries No 11, 12 and 13 without any modification. But so far as I know no one has objected to such registrations and they have become final under section 7 of the 1965 Act. However this may be, therefore because there has been reference to the Commons Commissioners about these registrations, I give no decision about them.

T. A. W. 1978



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 30th —

day of October —

1978

A. A. Baker-Jones

Commons Commissioner