

Waenglapiau
Llanfair Caereinion
Welshpool
Powys
SY21 ODR

Supporting statement for application to deregister Common Land MCL 61

This statement is in support of our application to deregister land registered as Common Land MCL 61 as on the enclosed map. It was registered as Y Fawnog, Tynybryn but in reality is part of Bryn Du, part of Waenglapiau. Bryn Du was the land registered as common land plus the area in pink on the map. (ref: 1). Tynybryn is a neighbouring farm.

The earliest that the land has been traced back is the tithe maps of Wales (ref: 2) where it is owned by Sir Watkin Williams Wynn and occupied by Evan Davies. The five parcels of land are registered as arable or pasture.

This was prior to the 1841 census (ref: 3) where Bryn Du is occupied by Evan Evans. He remains in residence for the 1851 and 1861 census but 1871 has Thomas Jones farming the land. By 1881 it has passed to David Jones who is still there on the 1891 census. I can find no census for Bryndu for 1901 but the 1902 map (ref: 4) from Powys Archives shows the land included in Waen - y - Clappiau, with no sign of buildings, and being farmed by Robert Davies who is also in residence on the 1901 and 1911 censuses.

The first Indenture of Conveyance (ref: 5), dated 3rd August 1869, is between Mr George Burgess and Mr Allen Hodgkinson. It shows a map of Bryn Du, listing the parcels of land which are the same as the tithe map (ref: 2). At the bottom of the Indenture is the Second Schedule showing – 25th March 1859 – Indenture made between the Right Honourable Edward James Earl of Powis and Hugh Williams Esquire of the first part Sir Watkin Williams Wynn Baronet of the second part and George Burgess of the third part and the said Peter Pownal Brocklehurst of the fourth part.

With information from the Abstract of Title dated 1918 and the listed Indentures, possession of Bryn Du passes through various members of the Brocklehurst family (Blunt and Brocklehurst, solicitors, Macclesfield) until 1918 when it was sold to Mr David Jones. It then passed to his sister, Catherine Elizabeth Astley in 1961 and on her death in 1977, to her daughter, son-in-law and grandson, Gwyneth Griffiths, Gwylfa Griffiths and Elwyn James Griffiths. Elwyn bought his parents out in 1990 and we became a partnership in 1992.

The land has been fenced throughout and used as pasture, supported by letters from Mrs Olive Owen, Mr R L Jukes and Caereinion Town Council (ref: 6, 7 & 7a). These letters of support show that prior to its provisional registration the land in question was not land subject to rights of common, waste land of a manor, a town or village green within the meaning of the 1965 Act as originally enacted or land of a description specified in section 11 of the Inclosure Act 1845.

The mistake was made in 1968 when Mr J Penri Jones, Tynybryn registered the incorrect area. (ref: 8). His application form included a map (ref: 9), showing the area he was applying to register, marked green, yet a much larger area was registered. The error was noticed by Mr R L Jukes when he purchased the farm from his father-in-law in 1972. He instructed his solicitors to rectify the matter and was unaware that this had not been done. (Ref: 10).

I also include a list of documents included which are not mentioned with this application, but may be used as supporting evidence.

I hope that enough evidence has been provided to allow the deregistering of MCL 61.

Kind regards,


PP GS & U. GRIFFITHS