



COMMONS REGISTRATION ACT 1965

Reference No.37/U/95

In the Matter of Land at Brookhouse Bottom,  
Danehill, East Sussex.

DECISION

This reference relates to the question of the ownership of land at Brookhouse Bottom, Danehill, being the land comprised in the Land Section of Register Unit No.CL 115 in the Register of Common Land maintained by the former East Sussex 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 the Danehill Parish Council claimed to be the freehold owner 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 Lewes on 20th November 1974. The hearing was attended by Mr D.A.P.Brookbank of Twitten House, Turners Green, and by Capt.W.L.Ross of Brook Cottage, Turners Green.

Most of the land comprised in the Register Unit lies on the west side of the road running through Brookhouse Bottom and there are two small portions on the east side of the road. Mr Brookbank's property lies on the east side of the road and he complained, not without reason, that the small scale of the Register Map made it difficult to determine the precise location of the two small portions of land on the east side of the road and in particular whether they included any part of his property. Having had the advantage of seeing the plans on the conveyances to Mr Brookbank and Capt.Ross, I am left in no doubt as to what land is comprised in the Register Unit, despite the small scale of the Register Map.

Capt.Ross holds his property under a conveyance made 15th July 1955 between (1) Arthur Granville Soames (2) Ashdale Land and Property Co.Ltd. (3) William Lionel Ross. The plan referred to in this conveyance shows that the land conveyed comprised all the land in the Register Unit on the west side of the road (with the exception of a small portion to which reference will be made later) and a very narrow strip of land on the east side of the road. Mr Brookbank's property marches with Capt.Ross's property on the east side of the road. Capt.Ross's strip of land on the east side of the road is open to the road and is divided from Mr Brookbank's property by a fence or hedge. It seems clear to me that the two small pieces of land on the east side of the road comprised in the Register Unit are part of the land conveyed to Capt.Ross.

The land comprised in the Register Unit which is not shown on the plan referred to in the conveyance of 15th July 1955 consists of a very narrow strip on the north side of the drive leading to Capt.Ross's house. Capt.Ross said



that this omission from the conveyance plan was due to an error on the part of the surveyor, but be this as it may, Capt. Ross built a barn on this strip shortly after he went into possession of the land comprised in the conveyance and he has been in possession of the barn and the rest of the strip on the north side of the drive without interruption ever since.

After the hearing Mrs J.H. Gasson of Cannonmead, Turner's Green wrote to the Clerk of the Commons Commissioners about a dispute between her and Capt. Ross as to the ownership of a small piece of ditch on the outside of her hedge. Mrs Gasson said that she was present at the hearing, but did not speak because she had to ask her husband when he came home from work whether she was correct. I find myself unable to identify the piece of ditch referred to by Mrs Gasson. Since she was present at the hearing and decided not to speak, I do not feel that it would be right for me to put Mr Brookbank and Capt. Ross to the trouble and expense of re-opening the hearing. I therefore decide the case on the evidence before me.

On this evidence I am satisfied that Capt. Ross is the owner of the land, and I shall accordingly direct the East Sussex County Council, as registration authority, to register him as the owner 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 17<sup>th</sup> day of December 1974.

Chief Commons Commissioner