



In the Matter of Markstakes Common, Barcombe  
and Chailey, Lewes D

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 48 in the Register of Common Land maintained by the 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 Mr and Mrs F L Chart claimed to be the freehold owners of the land in question ("the Unit land"), and Mr W I Grantham 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 10 June 1983.

At the hearing Mr W F Medhurst, Solicitor, appeared on behalf of Mr and Mrs Chart, Mr H Satsall, Solicitor, on behalf of Mr and Mrs M J Pegler, and Mr Grantham appeared in person.

Mr and Mrs Pegler are prospective purchasers from Mr and Mrs Chart of a property called Furzeley Farm: neither they nor Mr Grantham claim ownership of the Unit land. Mr Grantham is Lord of the Manor of Balneth of which the Unit land once formed part, and he has manorial and estate records which furnish information about the earlier history of the Common.

A rectangular area ("the NW area") in the north west corner of the Unit land was included in the property conveyed by a Conveyance of Furzeley Farm dated 4 February 1972 to Mr and Mrs Chart. The Vendor was Norman G L Richards in whose favour an Assent dated 20 June 1947 was made after the death of his mother Mrs G E Richards. She had purchased the same property in 1944 from Ernest W S Bartlett, the Conveyance being dated 15 March 1944.

On this evidence I am satisfied that Mr and Mrs Chart are the owners of the N W area and I shall accordingly direct East Sussex County Council, as registration authority, to register them as its owners under section 8(2) of the Act of 1965. As to the remainder of the Unit land, of which I am not satisfied that any person is the owner, it will (except as to a small part which is registered under the Land Registration Act) remain subject to Section 9 of the Act.

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

29 June

1983

*H. J. Morris Smith*

Commons Commissioner