



COMMONS REGISTRATION ACT 1965

Reference No.14/U/92

In the Matter of Binswood Common and
Green Street, Worldham, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Binswood Common and Green Street, Worldham, being the land comprised in the Land Section of Register Unit No.CL 73 in the Register of Common Land maintained by the former Hampshire 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 D.J.Lailey 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 Winchester on 21st May 1975.

At the hearing Mr G.C.Johnson, solicitor, appeared on behalf of Mr Lailey and Mr P.Harrison, solicitor, appeared on behalf of Sunninghill Enterprises Ltd.

The land the subject of the reference consists of Binswood Common and two narrow strips of land on the north and south sides of a road known as Green Street. The southernmost of these strips was, with other land, the subject of a vesting deed dated 14th April 1936 made between (1) Oswald Henry Philip Turville-Petre, Charles John Philip Cave and John Burgess Darell Karlake (2) Ralph Stawell Dutton. This land was subsequently conveyed to Sunninghill Enterprises Ltd by a conveyance dated 4th February 1968 made between (1) Barclays Bank Ltd (2) Sunninghill Enterprises Ltd.

The land described in the Register Unit as Binswood Common consists of all but a very small part of Ordnance Survey Nos.253, 254, 255, and 256, which by the collective name of Binswood were conveyed to Mr Lailey by a conveyance dated 7th February 1972 made between (1) Westlands Agricultural Contracting Company Ltd (2) David John Lailey. Mr Johnson produced earlier documents of title which satisfy me that this land had for many years before its purchase by the Company formed part of the Hartley Manditt Estate of the Dutton family.

On this evidence I am satisfied that Sunninghill Enterprises Ltd is the owner of the strip of land on the south side of Green Street, and that Mr Lailey is the owner of Binswood Common. I shall accordingly direct the Hampshire County Council, as registration authority to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners



307

-2-

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 June 1975

A handwritten signature in black ink, appearing to read 'A. L. Smith', written over a horizontal line.

Chief Commons Commissioner