



## COMMONS REGISTRATION ACT 1965

Reference No. 214/D/161

In the Matter of Bramshott Common  
(part about 0.177 acres), Bramshott and  
Liphook, East Hampshire District,  
Hampshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 152 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No. OB 152 made by Mr Gottlieb Brunner and Mrs Hilda Grace Brunner and noted in the Register on 13 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 20 March 1979 at the hearing Mr and Mrs Brunner were represented by Mr N I Johnson, articled clerk with S R Pinks & Co., Solicitors of Wimbledon, SW19.

The land ("the Unit Land") in this Register Unit is (according to the Register) about 0.177 acres. The registration was made on the application dated 29 April 1968 of Mr G K Williams of 2 Stone Cottages and the Unit Land is therein described as being directly in front of Nos. 1 and 2 Stone Cottages and Nos. 1 and 2 Green Brow Cottages. The Rights Section formerly contained one registration but the relevant Entry No. was withdrawn in 1973. The grounds of Objection:- "(a) The land is not common land; in the alternative, (b) the Rights are not valid".

Mr Johnson in the course of his evidence produced a statutory declaration made on 24 April 1970 by Mr E T Craft, a conveyance dated 30 September 1970 by Mr G Melaert to Mr and Mrs Brunner, and a conveyance dated 14 May 1968 by Mrs M J Burt to Mr Melaert.

Mr Johnson who had seen the Unit Land on 1 March 1979, said (in effect):- Green Brow Cottage (formerly 2 cottages) and the land occupied with it, is to the west of the Unit Land, and of it Mr and Mrs Brunner became the owners under the 1970 conveyance. Between the Cottage and the road on the south, there is a steep bank, so the Cottage is about 6 feet above the level of the road; access to the Cottage is by a track across the Unit Land. Now the Unit Land (except the track) is mown grass kept in order by Mr and Mrs Brunner.

The 1970 declaration, which appears to be substantially the same as a declaration made by Mr Craft on 15 May 1964 and mentioned in the 1968 conveyance, records that he was in 1970, 89 years of age and had for 77 years lived at 1 Green Brow Cottages first with his parents and later as a tenant of C J Scragg, then of W J Scragg, and then of M J Burt. To the declaration is exhibited a plan showing coloured blue the land occupied with green Brow Cottages, the Unit Land, and some land to the east (in front of Radstock Cottage). Mr Craft after dealing with the track said of the blue land (in effect) that he always understood that it belonged to the Lord of the Manor but was purchased from him by C J Scragg from her passed into the ownership of her brother W J Scragg.

Having regard to the proximity of Bramshott Common (a large area to the north) it is perhaps likely that the Unit Land was at one time waste land of a manor. However this may be, Mr Craft's declaration is some evidence that the Unit Land has at some time been severed from any such Manor, and therefore should not have been



registered as common land under the 1965 Act, see *Fre Box 1979 2WLR 177*. For this reason I refuse to confirm the registration.

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 18<sup>th</sup> — day of May — 1979.

*a. a. Baker J. L. L.*

Commons Commissioner