

In the Matter of Chatley Heath,
Elmbridge Borough, Surrey

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which is known as Chatley Heath, Elmbridge, Borough and which is the land comprised in the Land Section of Register Unit No CL 446 in the Register of Common Land maintained by the Surrey County Council. The Referred Part is the part of the said land of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner and which is not registered at HM Land Registry under the Land Registration Acts 1925 to 1966.

Following upon the public notice of this reference Surrey County Council said (letter dated 4 May 1978) that this unit is owned by them. No other person claimed to be the freehold owner of the land in question or 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 Guildford on 7 November 1978. There was no appearance at the hearing.

The land in this Register Unit is south of Cobham and is from north to south a little more than half a mile long. All the land except a narrow strip crossing its north end is registered at HM Land Registry under Title No SY 339397. The Referred Part with which I am concerned, is this strip. The information now before me suggests that it is a public road and perhaps should not have been registered at all. However this may be, in the absence of any evidence I am not satisfied that any person is the owner of the Referred Part and it will therefore remain subject to protection under section 9 of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1977 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 25th day of November 1978

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Ch. B. J. J.

Commons Commissioner