



In the Matter of Church Green,
Elmore Road, Chipstead, Reigate
& Banstead Borough, Surrey

DECISION

This reference relates to the question of the ownership of land known as Church Green, Elmore Road, Chipstead, Reigate and Banstead Borough being the land comprised in the Land Section of Register Unit No CL. 79 in the Register of Common Land maintained by the Surrey 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 Borough of Reigate & Banstead claimed (letter dated 17 December 1975) ownership of nearly all the land by virtue of a conveyance dated 21 November 1919 and made by Rt Hon H G H Baron Hylton to the Parish Council of Chipstead and by virtue of the Surrey Review Order 1933 made under the Local Government Act 1933 (vesting the land in Banstead Urban District Council). 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 22 May 1978. At the hearing Reigate & Banstead Borough Council were represented by Mr P D C Brown a solicitor in their employ.

The land ("the Unit Land") in this Register Unit contains according to the Register 0.704 hectares (1.74 acres), and is in five pieces: (1) a piece ("the Central Triangle") which is far the largest, and which is approximately triangular, being bounded on all sides by ~~the~~ tarmacadamed public roads; (2) a ("the Church Piece") between the road forming the southeast boundary of the Central Triangle and the boundary of St Margaret's Churchyard; (3) a detached piece a short distance northeast of the northeast corner of the Central Triangle; (4) a strip along the southwest boundary of the Central Triangle and on the opposite side of the road; and (5) a narrow strip along the north boundary of the Central Triangle and on the opposite side of the road.

Mr Brown produced the said 1919 conveyance by which the Central Triangle and the Church Piece were conveyed to the Parish Council of Chipstead subject to the provisions as to reverter and use therein set forth. Mr Brown said he did not on behalf of his Council claim any of the Unit Land other than that by the 1919 conveyance expressed to be conveyed.

I am not I think on this reference concerned with the provisions as to reverter and use set out in the 1919 conveyance. It is I think evidence of ownership enough, and I am therefore satisfied that the Borough Council as successors of the Parish Council are the owners of the Central Triangle and the Church Piece, and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct the Surrey County Council as registration authority to register Reigate & Banstead Borough Council as the owners of the part of the land which is in this decision called the Central Triangle and the Church Piece. As regards the remainder of



the land, in the absence of any evidence I am not satisfied that any person is the owner of such remainder, 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 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 28th day of June — 1978

a. a. Baden Fuller

Commons Commissioner