



In the Matter of Churt Common, Frensham,
Waverley D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries Nos. 1, 2 and 3 in the Rights Section of Register Unit No. CL 313 in the Register of Common Land maintained by the Surrey County Council and is occasioned by three Objections made by Hambledon Rural District Council, Nos. 296 and 297 noted in the Register on 7 October 1970 and No. 626 noted in the Register on 3 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 10 November 1981. The hearing was attended by Mr R A Hart, Solicitor, of Waverley District Council, successor Authority to the Objector; and by Mr R S Godfrey, Solicitor, of the firm of W H Hadfield and Son, appearing on behalf of Mr E G Millais.

The land was registered in consequence of Mr Millais's application to register rights (Entry No. 1 in the Rights Section). The rights are to graze up to 20 cattle, and rights of turbary and estovers: it has been agreed that the rights shall be modified to a right of grazing up to 15 cattle and a right of estovers limited to the taking of bracken and dead wood, with no right of turbary, and I shall confirm the registration modified accordingly. It follows that the registration in the Land Section will be confirmed.

Entry No. 2 in the Rights Section was registered on the application of Mrs D E C Wylie. It appears from a letter written by the Solicitors acting for her successors in title that Mrs Wylie is now deceased and that her successors do not wish to maintain the registration: I shall therefore refuse to confirm it.

The hearing of the dispute in relation to Rights Entry No. 3 was adjourned to a future date and place to be determined.

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

15 December

1981

L. J. Morris Smith

Commons Commissioner