



In the Matter of Farley Heath, Albury,
Guildford District, Surrey

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL193 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objections Nos 182 and 241 made by the Rt Hon Charles Ingram Courtenay, Earl of Halifax and the Most Hon Charles William Frederick, Marquess of Linlithgow and noted in the Register on 9 and 15 September 1970; and by Objection No. 429 made by Surrey County Council and noted in the Register on 19 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Guildford on 27 November 1979. At the hearing (1) the Earl of Halifax and the Marquess of Linlithgow were represented by Miss H A Wright solicitor with May, May & Merriman, Solicitors of London; (2) Mr Kenneth Wilkie on whose application the Rights Section registration was made, attended in person; and (3) Surrey County Council were represented by Mr B Cotter a principal solicitor with the Council.

The land ("the Unit Land") in this Register Unit is an irregularly shaped piece being (as I scale the Register map) about $\frac{3}{4}$ of a mile long from north to south, and for the most part about $\frac{1}{3}$ of a mile wide. The Land Section registration was made in consequence of the application of Mr Wilkie for the registration of a right held in gross to graze; however in ~~the~~ ^{the} section are noted ~~the~~ ^{an} application by the Rt Hon Edwin Savory Baron Tingley and an application by Guildford Rural District Council.

Mr Wilkie said he was agreeable that I should refuse to confirm the Rights Section registration.

The grounds of Objection No. 182 are that the land coloured green on the attached plan was not common land at the date of registration; after some discussion Miss Wright said that having looked at the Objection plan and compared it with her copy of the Register map, no action was necessary because it appeared the green Objection land did not form part of the Unit Land. However Mr Cotter drew my attention to a letter, of which I have a copy, dated 20 November 1979 from the County Council to Mr Wilkie ~~in~~ ^{which} which was enclosed a plan showing by way of a red line the D214 Farley Heath Road which goes through the Unit Land. Miss Wright was agreeable that this land should be excluded from the registration.

So upon the considerations set out above, I refuse to confirm the registration at Entry No. 1 in the Rights Section, and I confirm the registration at Entry No. 1 in the Land Section with the modification that there be removed from the Register the D214 Farley Heath Road which goes through the Unit Land and which was marked by way of a red line on the map enclosed with a letter dated 20 November 1979 sent by the County Council to Mr K Wilkie and a copy of which was referred to at this hearing.



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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 17th — day of December — 1979

a. a. Baden Fuller

Commons Commissioner