



COMMONS REGISTRATION ACT 1965

Reference Nos. 236/D/405-406

In the Matter of King's Green, Gibbs Brook Lane,
Oxted, Tandridge D

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1 and 2 in the Rights Section of Register Unit No. CL 254 in the Register of Common Land maintained by the Surrey County Council and ~~are~~ occasioned by Objection No. 3 made by Oxted Parish Council and noted in the Register on 1 October 1968.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 24 June 1981. The hearing was attended by Mr R C Wilson, Solicitor appearing on behalf of the Parish Council; by Miss M I Corsan, applicant for registration at Entry No. 1 in the Rights Section; and by Mr E W Tory representing E W Tory and Sons Limited ("the Company") applicant for registration at Entry No. 2.

The registration in the Land Section was made on the application of the Parish Council; it appeared that their Objection was to the Rights Entries and not to the Land Entry and Mr Wilson told me that the Parish Council was not objecting to the Land Entry.

As regards the Rights Entries, Entry No. 1 is a right in gross of pasture for 3 goats and Miss Corsan in evidence said that she had grazed goats on the Green since about 1967. Mr Tory said that the Company came to Perrysfield Farm in 1950 and that it had used the Green for storing produce and ewes were put on it for lambing. The right the Company claims is to graze 200 ewes and it is said to be attached to Perrysfield Farm and Mr Tory said that lambing ewes grazed on the Green. The area of the Green is, I understand, a little over one acre.

On the evidence the basis for both the rights claimed could only be acquisition by prescription and in my opinion, in neither case has a prescriptive right been made out. Accordingly I refuse to confirm the registrations in the Rights Section, but confirm the registration in the Land Section.

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

10 July

1981

L. J. Morris Smith
Commons Commissioner