



In the Matter of Land at Goose Green and Palmers
Cross, Bramley, Waverley D

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL 147 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objection No. 352 made by Surrey County Council and Objection No. 617 made by Hambledon R.D.C. and noted in the Register respectively on 14 October 1970 and 3 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Guildford on 3 March 1981. The hearing was attended by Mr B E H Cotter, Solicitor, of Surrey County Council; Mr S P Fisher, Solicitor, of Waverley District Council (successor Authority to Hambledon R.D.C.) and by Major D S Elliott, one of the two applicants for registration at Entry No. 1 in the Rights Section.

The registration as Common Land was made on the application of Hambledon R.D.C. The Objection by the County Council is on the ground that the land was not Common Land, but I understood that in fact the Objection is to certain parts claimed to be highway or in the nature of highway. Those parts which are highway have been agreed and are shown on a plan prepared for the purpose and I shall confirm the registration modified by the exclusion of the highway parts.

Objection No. 617 is to the registration at Entry No. 1 in the Rights Section and is on the ground that the right does not exist. The right is one of herbage and of estovers over part of the land - Palmers Cross. Major Elliott gave evidence, and at the conclusion of his evidence it was agreed between him and Mr Fisher that the right should be confirmed with the modification that the right of estovers should be limited to the cutting of saplings for purposes of cultivation.

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

2 November

1981

L. J. Morris Smith

Commons Commissioner