



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/453-456

In the Matter of Land in Grant/s Lane by Brill's  
Farm, Limpsfield, Tandridge D

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DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entries 1 to 4 in the Rights Section of Register Unit No. CL 532 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objection No. 550 made by D A Young and Objection No. 575 made by Surrey County Council noted in the Register respectively on 28 March 1972 and 26 May 1972.

I held a hearing for the purpose of inquiring into the disputes at Cxtd on 8 May 1981.

At the hearing Mr<sup>C</sup> Belk, Solicitor, appeared on behalf of Mr Young; Mr B Cotter, Solicitor, appeared on behalf of Surrey County Council; and the applicants for registration in the Rights Section Mr W Edwards (Entry No. 1) Mrs A H. Edwards (Entry No. 2) and Miss E P Quigley (Entries No. 3 and No. 4) appeared in person. \_\_\_\_\_

The registration in the Land Section was made in consequence of the application by Mr Edwards to register rights.

The land in question ("the Unit land") is a strip of grass running along the western side of Grants Lane opposite Brill's Farm, which is on the other side of the lane. Brills Farm was conveyed in 1946 to A Young and D A Young, and included in the Conveyance was land adjoining the Unit land on the west.

The rights registered under Entries Nos. 1-4 are the Edwards rights and the Quigley rights which I considered in the Decisions on CL 415 (Ref: 236/D/421-425) and CL 419 (Ref: 236/D/408-414). Giving evidence in this case Mrs Edwards said that when out walking she picked herbage, berries, bracken, nuts and flowers: she did this when young for entertainment and afterwards on occasions. She said that probably she had no greater right than any other person. Mr Edwards said that he had not used the Unit land a lot - he stopped there occasionally and picked up things, as Mrs Edwards did.

Miss Quigley said that whenever she passed by the Unit land she used to gather whatever was available, flowers and herbs for medicine and nuts and berries: she did this particularly in the last war, but not much after the end of the war.

In no case was the evidence, in my view, adequate to establish the acquisition of the rights/registrations in the Rights Section. The Unit land is physically in the nature of highway verge and there was no submission that it is waste land



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of a manor and I refuse to 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 15 June 1981

*L. J. Morris Smith*

Commons Commissioner