

In the Matter of Mill Moor,
Old Woking, Woking Borough,
Surrey

DECISION

This dispute relates to the registration at Entry No 1 in the Rights Section of Register Unit No CL 123 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No 271 made by Mr J R M Carr and noted in the Register on 28 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 8 November 1978. At the hearing Woking Borough Council were represented by Mr R A Payne their Principal Solicitor.

The Land Section registration was made on the application of Woking Urban District Council, and they are in the Ownership Section registered as owner of all the land. The disputed rights Section Entry was made on the application of Mr J A Van de Pol of 102 High Street, and is of rights held in gross of estovers, turbary, piscary, pannage for 3 pigs and grazing for 3 beasts. The grounds of Objection are:- "the applicant has applied for rights to be held in gross, not attached to any land. At the time of applying the applicant was living in old Woking next to Mill Moor but has since moved away and has I believe sold his house in Old Woking, As far as I know and as far as others can remember no rights attached to any land have ever been held over this Common. This has always been a common for those living in Old Woking only."

I have a letter dated 7 November 1978 signed by Mr Carr in which he says that he owned 102 High Street from 1958 to 1966, and has since 1968 owned land adjoining 80 High Street and which he generally, with some details, confirms the grounds of objection.

In the absence of any evidence in support of the right claimed by Mr Van de Pol and treating the said 1978 letter as evidence by Mr Carr, I conclude (Mr Payne agreeing) that the registration should not have been made. Accordingly I refuse to confirm it.

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 2nd day of March 1978

C. E. Bone - A. L.

Commons Commissioner