



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/421-425

In the Matter of Moor House Bank Common,  
Limpsfield, Tandridge D

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DECISION No. 2

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 415 in the Register of Common Land maintained by the Surrey County Council and is occasioned by (1) Objection No. 506 made by Mr E Boyes and noted in the Register on 13 May 1971 (2) Objection No. 564 made by Surrey Council and noted in the Register on 26 May 1972.

*and 19 October*

I held a hearing (adjourned from 7 May, 1981) for the purpose of inquiring into the dispute at ~~Limpsfield on 29 October 1981~~. The hearing was attended by Mrs K M Percy, the Chairman of and representing Limpsfield Parish Council (the applicant for registration): by Mr G Felton, of the firm of Crow, Watkin and Watkin, Chartered Surveyors, appearing on behalf of Mr Boyes: by Mr D Musson, Regional Director of and representing the National Trust (the owner of the Common): and by Mr B Cotter, Solicitor, of the County Council. Rights of Common were provisionally registered, which I have refused to confirm. The County Council's objection which relates to highway verges, is withdrawn, the Council being content to rely on the definition in Section 22 of the 1965 Act.

Mr Boyes's objection to the land registration relates to three small areas shown on the plan attached to the objection; the ground of the objection is that they are "buildings for the farm and cottages". In the objection he also stated that he reserved rights of way and user over other parts of the common, but I am not concerned to consider the question of these rights.

Mr Boyes gave evidence and was cross-examined by Mr Musson. Mr Boyes is the owner of Moorhouse Farm and cottages lying close to the eastern boundary of the Common. Of the three areas objected to, one, the most northerly, is approximately 40' x 20' and the site of two buildings, one of which was removed about seven years ago and the other, an old cart shed with a corrugated roof, has since collapsed. Mr Boyes said that in the past the buildings were used by the inhabitants of the cottages, and said that he claimed that this area was part of Moorhouse Farm.

The other two areas are near to the cottages and there is a track between them: there are two store sheds, used not by Mr Boyes himself but by the cottagers, his tenants. These were recently rebuilt, though not at Mr Boyes's expense, and Mr Boyes said he is not claiming ownership of the sheds or their sites but just the right to use them.

The owner of the Common (including the disputed areas) registered in the Ownership Section of the Register is Mr R H G Leveson Gower and this registration became final in August 1972. Subsequently it was the subject of a Deed of Gift



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dated 30 October 1972 by Mr Leveson Gower to the National Trust. Mr Leveson Gower lodged no Objection to the registration of the Common as Common Land and the National Trust resists Mr Boyes's objection to that registration. In my view it is reasonably plain that the objection to the small areas is based on a claim by Mr Boyes to rights of user of the areas and the buildings for himself or his tenants of the cottages. I do not have to determine whether such rights have been established: if they exist they are enforceable against the owner of the areas whether or not those areas are common land; and to exclude the areas from the registration would not affect a claim to such rights any more than would the continued inclusion of the areas in the registration. There was no evidence or submission by Mr Boyes to the effect that the common or the areas were not waste land of the manor or had ceased to be waste land of the manor.

In the result I do not think the Objection was well founded and accordingly I confirm the registration without modification.

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

21 July

1982

Commons Commissioner