



COMMONS REGISTRATION ACT 1965

Reference No 236/U/33

In the Matter of Poor Allotments,  
in Tilford and Elstead, Waverley  
District, Surrey

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DECISION

This reference relates to the question of the ownership of land in four pieces known as Poor Allotments, in Tilford and Elstead, Waverley District being the land comprised in the Land Section of Register Unit No CL. 458 in the Register of Common Land maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Tilford Parish Council claimed that three of the pieces were the subject of a Charity Commission Scheme administered by the Parish Council as trustees. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 12 January 1977. At the hearing Tilford Parish Council were represented by Mrs P W Nice their clerk and Mr J G Wicks their chairman.

At this hearing evidence was given by Miss S Corke, assistant archivist of the Guildford Muniment Room of the Surrey Record Office in the course of which she produced the Award dated 1853 for the inclosure of Tancred'sford, Cooksbury (?Crooksbury), Reed & Lower Commons in Tilford (made under the Annual Inclosure Act 1850) with the plan annexed, (being the award originally held by the Clerk of the Peace). After reading a letter dated 10 January 1977 from the Charity Commission and orders (produced by Mrs Nice) dated 23 February 1917, 9 January 1920 and 25 November 1938 and made by the Charity Commissioners, I adjourned the proceedings.

I held the adjourned hearing at Guildford on 12 January 1977. At this hearing Mrs E M Manning on whose application the registration was made, attended in person, and Tilford Parish Council were represented by Mrs Nice and Mr Wicks as before.

I read an affidavit sworn on 13 October 1977 by Mr P G J Mackey, who is a higher executive officer at the Charity Commission and heard the oral evidence of Mrs Nice, in the course of which she produced the said orders of 1917, 1920 and 1938, the Byelaws made on 12 November 1962 (amended 8 January 1974) by Tilford Parish Council for Tilford Village Green and its surrounds, the Crooksbury and the Stockbridge Charity lands and the Stonehills Parish land, and the Minute Books of the Parish Council from April 1954 to June 1960 and from June 1960 to the present day (with a statement showing at which meetings mention was made of the pieces of land now claimed).



Two days after the hearing I inspected the said three pieces of land. One of these ("Stockbridge") is a triangular piece (sides about 200 yards long) about 400 yards south of the south end of Tilford Common, and on the east side of and open to the road leading southwards from Tilford; it is mostly grassland with some scrub, and appears to be an agreeable layby for passing motorists, having an attractive appearance being in pleasant surroundings; it must I suppose be a valuable Village amenity. Another of the three pieces ("Crooksbury") is about  $1\frac{1}{2}$  miles north of Stockbridge and a little to the south of Crooksbury Hill; it is on the north side of and has a frontage of about 100 yards to the eastwest road from Elstead and Milford to Waverley and Farnham; it extends from the road to a depth of about 200 yards, being on the east side of a bridleway; on it there are some beech and other trees and much scrub. The remaining of the said three pieces ("Charles Hill") is about 100 yards square, a little to the south of Charles Hill, also on the north side of the said Elstead Waverley road being about 1 mile east of Crooksbury; it is very near the entrance to Charles Hill Nurseries and appears to have been planted with rhododendrons (and ?also azaleas) as part of the Nurseries undertaking.

From the 1853 Award map, I have no difficulty in identifying Crooksbury, Charles Hill, and Stockbridge with plots nos 2, 13 and 61 "containing ten acres" thereby allotted to the Churchwardens and Overseers of the Poor "to be held by them and their successors in trust as a allotment for the said Tithing of Tilford subject nevertheless to and chargeable with a clear rent charge of one pound ten shillings which said sum does not exceed the net annual value of the said allotment in its present condition". By the 1920 Order land so allotted was vested in the Parish Council of Farnham Rural, and the 1938 order notes that the land had then become vested in the Parish Council of Tilford by virtue of the Surrey Review Order 1933. Mrs Nice explained how the three pieces of land had been administered and managed by the Parish Council; Charles Hill was let under the 1963 lease, the tenants being the Nurseries. Mr Wicks who has lived in the Parish for about 30 years, been a member of the Parish Council for about 20 years and been their chairman for about 9 years confirmed the statements made by Mrs Nice and explained that Charles Hill although let for nursery purposes as a display area is nevertheless open during the hours of daylight to the public.

On the evidence summarised above I am satisfied that Tilford Parish Council are the owners of the said three pieces of land and I shall accordingly under section 8(2) of the Act of 1965 direct the Surrey County Council as registration authority to register Tilford Parish Council as the owner of the three pieces of the land comprised in this Register Unit (for this purpose considered to comprise four pieces altogether) which are in this decision referred to as Stockbridge, Crooksbury, and Charles Hill.

The remaining one of the said four pieces is about  $\frac{1}{3}$  of a mile northnortheast of the Charles Hill piece. Mrs Nice said it is situated in the Parish of Elstead. No evidence as to its ownership was offered at the hearing by anyone.

In the absence of any evidence I am not satisfied that any person is the owner of the said Elstead piece and it will therefore remain subject to protection under section 9 of the Act of 1965.



I am required 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 27<sup>th</sup> day of October — 1977

a. a. Baden Fuller

Commons Commissioner