



In the Matter of Redhearn Green, Churt,  
Frensham, Waverley D

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DECISION

These disputes relate to (1) the registrations in all three sections of Register Unit No. CL 229 in the Register of Common Land maintained by the Surrey County Council, (2) the registrations<sup>at</sup> the land and ownership sections of Register Unit No. VG 46 in the Register of Town or Village Greens maintained by the Council. The disputes are occasioned by conflicts between the CL registrations and the VG registrations and also by Objections made to the entries in the Rights Section of the CL registration and to the entry in the Land Section of the VG registration.

The applicant for the CL registration was Hambledon RDC: there are two Entries in its Rights Section, No. 1 on the application of Mrs D E C Wylie, No. 2 on the application of Mrs B M Tussler: the Entry in the Ownership Section was made on the application of Frensham Parish Council. Objections to the Rights Entries were made by Surrey County Council (Objection No. 434 noted in the Register on 19 October 1970) and by Hambledon RDC, (Objection No. 623 noted in the Register on 3 July 1972).

The VG registration was made on the application of Frensham Parish Council, which was also the applicant for the registration in the Ownership Section. Objection to the land registration was made by Surrey County Council (Objection No. 665 noted in the Register on 1 August 1972).

I held a hearing for the purpose of inquiring into the disputes at Guildford on 5 February 1981. At the hearing Waverley District Council (successor to Hambledon RDC) was represented by Mr R A Hart, Solicitor: the Wylie family and Mrs Tussler were represented by Mr R Godfrey, of the firm of W H Hadfield and Son, Solicitors: Frensham Parish Council was represented by its Chairman, Mr C Stagg, and Surrey County Council by Mr B E H Cotter, Solicitor.

The parties were agreed that the VG registration should be cancelled and the CL registration confirmed and I confirm the CL registration and refuse to confirm the VG registration. Mr Godfrey informed me that the application for Entry No. 1 in the Rights Section of the CL registration (Mrs Wylie) was withdrawn and I refuse to confirm that registration. Mrs Tussler's right was accepted, subject to the deletion of the right to pannage and to the further modification that the remaining rights should not be exercised over the areas coloured pink on the plan produced (which I have marked 'X'): accordingly I confirm Entry No. 2 in the Rights Section with those modifications. Finally I confirm the registration in the Ownership Section of the CL registration.



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

23 March

1981

*L. J. Morris Smith*

Commons Commissioner