



In the Matter of The Quadrant,  
Heath Road, Weybridge, Elmbridge  
Borough, Surrey.

SECOND DECISION

This decision is supplemental to my decision dated 1 February 1979 and made in this Matter, and accordingly expressions therein defined are used herein with the same meaning.

As contemplated by the penultimate paragraph of my said decision, I held a further hearing in London on 16 July 1979. At this hearing, the Committee of The Weybridge Residents Association were represented by Mr P L Noble as before (Mrs C E Toler was present); and Surrey County Council were represented by Mr P F Myers, a solicitor with the Council.

Before this hearing, the Borough Secretary on behalf of Elmbridge Borough Council said (letter dated 27 June 1979) that the entire question was discussed at a meeting of his Council's appropriate committee when the view was expressed that it would be desirable for The Quadrant to be registered as common land, and that therefore the Council would no longer be a party to the proceedings (the County Council would be acting on their own behalf as highway authority).

Mr Myers said that the County Council were only concerned with the proceedings as registration authority, and that they had no more evidence than was given at the November 1978 hearing.

Mr Noble continuing the evidence he gave in 1978 produced the documents listed in the Schedule hereto. He said that he had also examined in the Weybridge Museum Edward Ryde's Rating map 1864-5, and had attended at the office of Theodore Goddard & Co, solicitors of London, and there examined documents (belonging to the estate of G J Stewart deceased) being manorial records of the Manor of Byfleet, including bound volumes of Court Rolls, a minute book of the Commissioners appointed under the Byfleet and Weybridge Inclosure Act 1800, the Act itself, and an abstract of the title to manorial property which included a deed (imperfectly abstracted) of 9 and 10 October 1827.

From the documents produced and referred to by Mr Noble, I conclude that Weybridge is, or historically was within the Manor of Byfleet which was annexed by the Crown (31 H.8) when Hampton Court was erected into an Honour, and that from time immemorial the Disputed Area has been waste land open to the highway. This conclusion accords with the view to which I was inclined in February last (as stated in my decision) as a result of my inspection and of what I learned at the 1978 hearing. Accordingly I find that the Disputed Area is "waste land of a manor" within the 1965 Act definition of common land, and could therefore under the Act have been properly registered as such. Because such definition excludes "highway", the East Footway and the Limes Road Access could not properly have been included in any such registration.

In my opinion I have jurisdiction under the 1965 Act on a reference of a dispute such as I am now considering to modify a registration by transferring it from the Register of Town or Village Greens to the Register of Common Land. Mr Myers having



indicated that he did not wish to challenge this opinion, I confirm the registration with the modifications:- (1) that there be removed from the Register, (a) the public made-up footway which runs along and within the east side of the Unit Land in front of the buildings (mostly shops) which front on it, and (b) the narrow carriageway leading to Limes Road; and (2) that the registration be transferred from the Register of Town or Village Greens to the Register of Common Lane so that for "Town/Village Greens" wherever these words appear in the registration there be substituted "Common Land", that for "VG28" wherever these letters and figures appear in this registration there be substituted "CL" and such figures as the County Council as registration authority think appropriate, and that they as such authority make all such other consequential alterations in the Register as may be necessary to give effect to the said transfer.

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.

**SCHEDULE**  
(Documents produced):

PLN/10		Statement of further evidence of Mr P L Noble.
PLN/11	21 June 1979	Letter from Borough Secretary to Mr P L Noble.
PLN/12	25 June 1979	Copy reply to such letter.
PLN/13	1869	Extract from OS Book of Reference (in Weybridge Museum) to OS map 1869 also produced (PLN/3).
PLN/14	1808	Negative Copy of Award map (tracing of part produced at 1978 hearing, DLD/13).
	Before 1920	Two photographs (from Weybridge Museum) of the Unit Land, one looking north and the other (? much older) looking south.

Dated this 24<sup>th</sup> — day of July — 1979.

*a. a. Baster Fuller*

Commons Commissioner