



In the Matter of waste or common land
at Pitchfont Lane, Limpsfield,
Tandridge District, Surrey

FINAL DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL505 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 601 made by Mr Richard Henry Gresham Levenson-Gower and noted in the Register on 5 June 1972.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 27 November 1979. At the hearing (1) Limpsfield Parish Council were represented by Mrs K Percy their Chairman and Mrs A Williams one of their members; (2) Mr Levenson-Gower (the said Objector) was represented by Mr A G Green chartered surveyor of Strutt & Parker Chartered Surveyors of Lewes, Sussex; and (3) Mr Eric Edward Jarrett of Vine Cottage, High Street, Limpsfield attended in person.

The land ("the Unit Land") in this Register Unit is a strip on the south-west side of Pitchfont Lane being about $\frac{1}{2}$ a mile long from northwest to southeast and nowhere more than about 30 yards wide. The registration was made on the application of Miss E P Quigly. The ground of the objection now under consideration (No. 601) are: "The land was not common land at the date of registration". To the registration there is (or was) another Objection No. 522 made by Ibett, Moseley Card & Co the grounds of which are: "The Entry covers land which is within Mr C A Jarrett's of High Street Limpsfield, ownership as freeholder and for which he holds the Deeds".

On 10 November 1976, Mr Commissioner C A Settle QC held a hearing for the purpose of inquiring into the disputes occasioned by these two Objections, and gave an interim decision as regards the Jarrett Objection (No. 522), in which he said he would modify the registration insofar as necessary to exclude any of the land south of the fence between the point A and B marked on the plan annexed to his decision. The point B is at the south end of the Unit Land and the point A is about 200 yards to the northwest.

Mr Commissioner Settle held a further hearing on 13 February 1979 but neither Miss Quigly nor Mr Levenson-Gower appeared.

I have a letter dated 21 November 1979 from Miss Quigly in which she says (among other things): "I will therefore now withdraw the registration of Common Rights over CL505, but trust the Commons Commissioners will declare it Manorial Wasteland...".

At the November 1979 hearing Mrs Williams produced the Limpsfield Parish Tithe map 1841 from which it appeared that the part of the Unit Land northwest of the point B^A was included in plot No. 64 shown as enclosed. Mrs Percy said (in effect):- The Tithe Award itself was in the Parish Office, and it showed plot No. 64 as tithable woodland in the ownership and occupation of W Granville Levenson-Gower. The Parish Council after due consideration decided not to apply for the registration of the Unit Land under the 1965 Act, and they were now agreeable that the registration made on the application of Miss Quigly should be avoided. The Tithe Award is prima facie evidence against the Unit Land ~~part~~^{part} of A being waste land of a Manor, and in the absence of any other evidence I conclude that the registration at least as regards this part of the Unit Land should not have been made.



As regards the part north or northeast of the fence between the points A and B mentioned in the interim decision, Mr Jarrett said (in effect):- Mr A C Jarrett on whose behalf Objection No. 522 was his father (who died in 1976). The land south-west of the fence is field and the land northeast of it is the lane; so no part of the Unit Land is north of the fence.

On the considerations set out above, Mr Jarrett, Mrs Percy, Mrs Williams and Mr Green all agreeing, I refuse to confirm the 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 this 17th —

day of *December* 1979

a. a. Baden Fuller

Commons Commissioner