



COMMONS REGISTRATION ACT 1965

Reference No. 238/D/136

In the Matter of Bezleyhill Common, North
Ambersham and Easebourne, West Sussex

DECISION

This dispute relates to the registrations at Entry Nos 2 and 3 in the Rights section of Register Unit No. CL 149 in the Register of Common Land maintained by the West Sussex County Council and is occasioned by Objection No. 75 made by the Cowdray Trust Ltd and noted in the Register on 23 June 1969.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 21 June 1979. The hearing was attended by Miss R E M Bolton, the applicant for the registration at Entry No. 3 and by Mr R Stafford, the assistant agent of the Objector.

The registration at Entry No. 3 is of rights attached to The White Cottage to graze 2 ponies or 2 donkeys, to cut and take wood, and to cut and take turf or peat over the whole of the land comprised in the Register Unit, but Miss Bolton stated that she only wished to support the right to graze 2 ponies.

The White Cottage was purchased by Miss Bolton's late father in 1935 and Miss Bolton has lived there continuously except for a period between 1939 and 1946. Throughout the period of her residence at The White Cottage, Miss Bolton has grazed ponies on the land comprised in the Register Unit, the number having been two during the last 20 or 30 years. During that time no one has ever tried to stop this practice and Miss Bolton had no communication with the Objector about it.

Mr Stafford did not cross-examine Miss Bolton. He said that he did not admit that she had acquired a right by prescription, but on the other hand he said that he did not contest that she might have done so.

In my view, Miss Bolton's evidence was sufficient to support a prescriptive right to graze two ponies.

I heard the matter further at Chichester on 12 May 1980. The hearing was attended by Mrs Wheeler, one of the successors in title to Ms D G Yonge, the applicant for the registration at Entry No. 2, and by Mr Stafford.

Mr Stafford stated that he was instructed to agree to the confirmation of the registration at Entry No. 2.

For these reasons I confirm the registration at Entry No. 3 with the following modifications; namely the deletion of the words and figures "or 2 donkeys" and the deletion of the words "To cut and take wood. To cut and take turf or peat", and I confirm the registration at Entry No 2 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 this

5th

day of

June

1980

Chief Commons Commissioner