



In the Matter of Ebernoe Green, Ebernoe, Kirdford,
West Sussex (No. 4)

DECISION

305 M.R.

These disputes relate to the registration at Entry No. 1 in the land section of Register Unit No. CL205 in the Register of Common Land maintained by the West Sussex County Council and are occasioned by Objection No. 603 made by the former County Council and noted in the Register on 4 August 1972 and the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. VG 29 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 14 May 1980. The hearing was attended by Mr A R Dickinson, the Land Agent of the Trustees of the Leconfield Estate, the applicants for the registration, Mr P Burgess, the Clerk of the Kirdford Parish Council, and Mrs G Frankland, the Commons Registration Officer of the County Council. There was no appearance on behalf of the Ebernoe Cricket Club, the applicant for the conflicting registration.

Mr Dickinson informed me that the Trustees were content for the conflicting registration to be confirmed.

Having received applications under reg. 21 of the Commons Commissioners Regulations 1971 on behalf of Mr C C Wadey and Mrs A K Walters I set aside my decision and reopened the hearing at Chichester on 17 January 1981.

The re-opened hearing was attended by Mr Dickinson, to whom I gave leave also to represent the Ebernoe Cricket Club, Mr Burgess, Mrs Frankland, and Mr D J Greenish, solicitor, on behalf of Mr Wadey and Mrs Walters.

The land comprised in the Register Unit consists of a central area which is used as a cricket ground with smaller areas to the east and west consisting of open scrub land covered with thick under growth and brambles.

After some discussion all the parties agreed to ask me to confirm the conflicting registration in so far as it relates to the central area and to confirm the registration in so far as it relates to the smaller areas to the east and west.

In these circumstances I confirm the registration with the following modifications: namely, the exclusion of the land the subject of the Objection and the remainder of the land the subject of the conflicting 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 *4th* day of *March* 1981

G. Frankland
Chief Commons Commissioner

*Corrected Journal to Regulations 33 of
the Commons Commissioners Regulations
1971.*

*Martin R. H. Commons Commissioner
24th August 1989*