



COMMONS REGISTRATION ACT 1965

Reference No. 38/U/2

In the Matter of Hundred Steddle Waste,
Woodmancote, Chanctonbury R.D., West Sussex

DECISION

This reference relates to the question of the ownership of land known as Hundred Steddle Waste, Woodmancote, Chanctonbury Rural District being the land comprised in the Land Section of Register Unit No CL.29 in the Register of Common Land maintained by the West Sussex County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr. H.J.C. Sturton (so far as it fronted on "The Hundred") and Mrs Pepper (so far as it fronted on "The Hundred Cottage") and Mr J.H. White claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 10 January 1973. The hearing was attended by Mr. Herbert John Charles Sturton in person, by his wife Mrs. Unity Mary Sturton, and by Mrs Diane Pepper who were both represented by Mr Sturton, he being a solicitor of Cave Drake Sturton & Co, Solicitors of 16 Eastcheap, London and by Mr John Harry White who was represented by Mr. L.J. Clark solicitor of F.W. Cushman & Son Solicitors of 68 Ship Street, Brighton.

Mr Sturton and Mr White gave evidence. As Mr White claims the larger part of this land and has lived near it longer than Mr Sturton I will deal with his claim first.

Mr White is 39 years of age and was born and has lived ever since at Holedean Farm (near to this land on the west). As evidence of his ownership of Kentons Farm, he produced: (a) an abstract (examined 11/4/63) of the title of Messrs T.F. and S.N. Young (b) a supplemental abstract (examined 5/1/67) of Mr H. F. Browning and Mrs R.J. Reed, (c) a conveyance dated 5 January 1967 from them to Mr G J White and (d) a conveyance dated 29 September 1970 from Mr G.J. White to himself (Mr J.H. White). The piece of land locally called "Hundred Steddle Waste" is rough woodland and has, for as long as Mr White has known it, not been used for any purpose (except that his brother the said Mr G J White cut some of the trees and sold the timber from them for his own benefit without any one objecting). From Mr White's description, I was able to identify the land comprised in this Unit ("the Unit Land") as marked with a green verge line on the Register map with the land delineated on plans annexed to his documents of title. The whole of the Unit Land except the part ("the Appendix Land") described in the Appendix hereto was included in the land conveyed by the said conveyance of 29 September 1970, the said conveyance of 5 January 1967, and an abstracted conveyance dated 2 May 1963 by Messrs S.N. & T.F. Young to Mr H.F. Browning and Mrs R.J. Reed, being in the three conveyances described as "O.S. No.7016 : area 1.34" acres and treated as part of Kentons Farm not requiring any special



description. The Unit Land except the Appendix Land was also conveyed by an abstracted indenture dated 18 November 1920 by Mrs M.E. B. Hall to Mr. H.W. Warner (Messrs T.F. & S.N. Young were his personal representatives) together with lands known as Kentons Eastout and Stouroods Farms being therein particularly described (with other land) as "a wood and a piece of unenclosed waste" and "comprising the site of the old road and unenclosed green at the Hundred Steddle...".

Mr Sturton as evidence of his ownership of the dwelling house and gardens and land known as the "Hundred" where he now resides, produced:- (a) an abstract examined 2/9/60 of the title of London and South American Investment Trust Ltd ("the Trust") (b) a copy (examined 6/7/71) of a conveyance dated 2 September 1960 by the Trust to Mr E.J. & Mrs D.W. Pepper, (c) conveyance dated 5 July 1971 by Mr & Mrs Pepper to Vylenco Investments Ltd, and (d) a conveyance dated 22 February 1972 by them to himself (Mr H.J.C. Sturton) and his wife Mrs U.M. Sturton. The Appendix Land is included in the lands conveyed by all the above mentioned documents of title together with the land which now forms the rest of the land held with the dwelling house known as "The Hundred". In an abstracted conveyance dated 29 October 1926 it forms the east end of a much longer strip of land lying between the rest of the land thereby conveyed and the highroad; in an abstracted conveyance dated 18 February 1938 it is delineated with a different colour from the rest of the land thereby conveyed; in the said conveyance of 2 September 1960 it is treated as the east end of a longer strip of land conveyed "for all the estate and interest of the said Testator (meaning Mr. H Squire who died on 27 December 1959) therein at the time of his death; and in the said conveyances of 5 July 1971 and 22 February 1972, it is described as a "piece of common land lying between the land first hereinbefore described (meaning the 3.78 acres held with The Hundred) and the said highway" and is on the annexed plan coloured green; it was conveyed by the conveyance of 22 February 1972 "only so far as the vendors can now lawfully convey the same".

As showing the early history of the Unit Land, Mr. White and Mr. Sturton both produced a copy of an indenture dated 15 July 1909 by which the Ecclesiastical Commissioners of England, "the Lords of the Manor of Streatham" conveyed to Mr J Eardley all their estate and interest in the land described as "All that piece or parcel of manorial waste land known as Hundred Steddle Waste containing one acre one rood and ten perches or thereabouts bounded upon the North by a Copse belonging to the Purchaser and upon the South by copyhold lands also belonging to the Purchaser". The annexed plan showed the land conveyed as a strip of varying width being the southern part of the Unit Land and the "copse" referred to as being the northern and remaining part.

Mr. Sturton in his evidence described the land coloured green on his conveyance of 22 February 1972. It is distinct from the garden of The Hundred, separated from it by a bank which slopes up to the garden which is higher. The green land is rough ground covered with brambles and some non-native trees such as bamboos and laurels; the track shown on some of the plans as crossing the green land no longer exists. There is nothing on the ground to mark the south east boundary, the land being continuously rough on either side; and so it continues until it reaches on the west the gravel drive from the public highway (A.281) leading into The Hundred.

Mr. Sturton said he had difficulty in identifying the piece of land intended to be registered and suggested that I should ask the West Sussex County Council as registration authority to produce a plan more detailed than the Register map. The piece is in the Register described as "called Hundred Steddle Waste"; this is a sufficient description if there is in fact a distinct piece of land so called. Mr. Sturton not having lived in Woodmancote for very long was unable to say; but Mr. White who had resided there for much longer described in some detail a piece of land so called referring as he did so



to the plan annexed to the said conveyance of 29 September 1970; on his evidence I conclude that the Appendix Land and The Green Land are the same. I decline therefore to adjourn the hearing or to delay my decision to enable me to be provided with a detailed plan.

It was agreed that a description of the Appendix Land on the lines set out in the Appendix hereto would sufficiently distinguish the part of the Unit Land claimed by Mr. White from the part claimed by Mr and Mrs Sturton.

On the evidence outlined above, I am satisfied that Mr White is the owner of the Unit Land except the Appendix Land; the ownership of this part of the Unit Land has in his documents of title always been treated as going with Kentons Farm. The special way in which the Appendix Land is dealt with as outlined above in the documents of title of Mr & Mrs Sturton does not I think diminish their evidentiary value; these documents fit in with the documents of title produced by Mr. White; from all these documents and the other evidence outlined above I am satisfied that Mr & Mrs Sturton are the owners of the Appendix Land.

Mr Clark on behalf of Mr White and Mr Sturton on behalf of Mrs Sturton and himself asked me to record that they did not agree or concede that the Unit Land was properly registered under the 1965 Act as common land, being desirous as I understood them to preserve their right to contend in other proceedings that the registration of the Unit Land was or should in some way be made void. In view of the possibility of such a claim being made, I think I should also record that in my view I have no jurisdiction on the reference now before me to deal with any claim that the Unit Land is not properly registered under the 1965 Act; the circumstances of this case are I think essentially similar on this point to those of the cases dealt with in my decision dated 16 October 1972 in re River Bank, Rowewalk, reference 6/U/22 and my decision dated 9 February 1973 in re Three Corner Piece reference 38/U/35.

Notwithstanding the possibility that the registration of the Unit Land under the 1965 Act may in other proceedings be declared to be void, I consider that I should deal with the reference now before me in the ordinary way. I shall accordingly direct West Sussex County Council as registration authority under section 8 (2) of the 1965 Act to register Mr John Harry White of Holdean Farm, Enfield, Sussex as the owner of the Unit Land except the Appendix Land and to register Mr. Herbert John Charles Sturton and his wife Mrs Unity Mary Sturton both of the The Hundred, Enfield, Sussex, as the owners of the Appendix Land.

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.

[APPENDIX — TURN OVER



APPENDIX

The piece of land ("the Appendix Land") described in this Appendix is that part of the land comprised in this Register Unit ("the Unit Land") which is:-

- (a) west of a straight line (not marked on the ground) obtained by producing in a straight line the line of the south east boundary of the garden and other lands occupied with the nearby dwelling house called "The Hundred"; and
 (b) south of the line of the top of the bank (said to be about two feet high above the ground on either side of it) which runs approximately from east to west near the middle line of the western end of the Unit Land.

The gravel drive between the public highway (A.281) and the entrance gate to the land occupied with the said dwelling house, so far as it is included in the Unit Land is included in the Appendix Land.

If there be any gap between the west end of the said bank and the east side of the said gravel drive, for the purposes of this Appendix the line of the top of the bank shall be treated as being produced in a straight line until it meets the said gravel drive.

Dated this

12th

day of

February

1973

a. a. Baden Fuller

 Commons Commissioner