



COMMONS REGISTRATION ACT 1965

Reference No 238/U/19

In the Matter of Land opposite
Southdown Terrace, Steyning,
Horsham District, West Sussex

DECISION

This reference relates to the question of the ownership of land opposite Southdown Terrace, Steyning, Horsham District being the land comprised in the Land Section of Register Unit No CL. 278 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 no person claimed to be the freehold owner of the land in question and no 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 13 April 1978. There was no appearance at the hearing.

After the hearing I received a letter dated 14.4.78 from Mr Hayes of 7 Southdown Terrace in which he said (among other things), that he wished to put in a claim for the land in front of his house, that over the past 2 years several houses have changed ownership and the whole Terrace had a somewhat smarter appearance with more concerned occupants, and that they were particularly concerned about the tall hedge opposite the houses. I have considered whether I should as a result of this letter reopen the hearing and adjourn the proceedings, so that at the adjourned hearing Mr Hayes and possibly some of the other owners of houses in the Terrace could give evidence as to their ownership of the land in front of their houses. In my view the letter falls short of showing that Mr Hayes and the other owners had any reasonable prospect of establishing ownership at any such hearing; I am not concerned with the management of the land, although it may be that the Parish Council (on whose application the registration was made) could secure the result Mr Hayes wants. Accordingly I refuse to adjourn the proceedings, and I now give the decision which I would have given if Mr Hayes had not written his letter.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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 19th day of April 1978

A. A. Barker Fuller

Commons Commissioner