



COMMONS REGISTRATION ACT 1965

Reference Nos 238/D/41
238/D/42

In the Matter of Levin Down,
Singleton, Chichester District,
West Sussex

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL. 115 in the Register of Common Land maintained by the West Sussex County Council and is occasioned by Objection No 172 made by The Goodwood Estate Company Limited and noted in the Register on 12 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Chichester on 11 April 1978. At the hearing Singleton Parish Council (an application by them dated 6 March 1969 is noted in the Land Section of this Register Unit) were represented by Mr P A Norrell, their chairman.

The land ("the Unit Land") comprised in this Register Unit (according to the Register map) is about 1 mile across from its southwest corner to its northeast corner and is situated a little to the northeast of the Village of Singleton. The registration at Entry No 1 of the Rights Section is of a right attached to Broadham Farm to graze 300 sheep and was made on the application of the National Trust. The Land Section Entry was made in consequence of the application to register this right. In the Ownership Section The Goodwood Estate Company Limited are registered as the owners of all the Unit Land. The grounds of the Objection are: "That the land was not common land at the date of registration".

Before the hearing, there was sent to the office of the Commons Commissioners a document (in the covering letter called "the agreed settlement") signed on behalf of The National Trust for Places of Historic Interest and Natural Beauty and on behalf of The Goodwood Estate Company Limited, which after reciting (among other things) "The Applicant and The Objector being the only parties entitled to be heard agree upon the terms of decision which should be given in respect of this dispute occasioned by the Objection", invited the Commons Commissioners "to give a decision on the dispute as follows: Registration Entry No 1 in the Rights Section of Register Unit No CL. 115 shall be deleted".

The agreed settlement deals expressly with only one of the two disputes occasioned by the Objection, that is that (D/42) relating to the Rights Section Entry. The other dispute so occasioned (D/41) relates to the Land Section Entry. The recital above quoted is correct if it relates only to the (D/42) Rights Section dispute; it is incorrect if it was intended to relate to the (D/41) Land Section dispute, because by regulation 19(1) of the Commons Commissioners Regulations 1971, para (b), the County Council, the District Council and the Parish Council are entitled to be heard at any hearing relating to it, and additionally under paragraph (c) the Parish Council are so entitled because they are persons whose application has been noted.



Mr Norrell described the Unit Land and told me how it had appeared since he had known it. He said it had always been regarded as common land in the ownership of the Goodwood Estate Company Limited. He explained that he had come to Chichester to attend the hearing of another case with which the Parish Council was concerned, and was attending this case without any preparation, so he could not certainly say that the Parish Council now support the registration for which they had applied in March 1969.

As regards the Rights Section Entry, I consider that I can properly act on the agreed settlement, and accordingly I refuse to confirm this registration.

As regards the Land Section Entry:- Although Mr Norrell did not expressly support it, I have no reason for concluding that the Parish Council no longer wish their 1969 application to be treated as effective. The 1965 Act contemplates that a registration to which no Objection has been made shall become final and the 1971 Regulations contemplate (see regulation 19 which provides for representation by "any concerned authority") that the public have an interest in any Land Section Entry. Accordingly as a general rule I consider that if a Land Section Entry is at a hearing neither supported by the applicant nor opposed by the objector, the proper course is to treat the statutory declaration in support of the application as sufficient evidence of it having been properly made. I have additionally the statement of Mr Norrell that the land is regated to be common land. Further the agreed settlement because it only expressly mentions the deletion of the Rights Section Entry, seems to show that Goodwood Estate Company Limited contemplate that the Land Section Entry should stand. For these reasons I confirm the Land Section registration without any modification.

However as Mr Norrell did say that he thought the Parish Council might on reconsideration no longer wish to support the Land Section registration, I give the Parish Council and to The Goodwood Estate Company Limited liberty within 3 months from the date when this decision is sent to them, to send to the office of the Commons Commissioners a request signed by or on behalf of both of them and on behalf of Chichester District Council and West Sussex County Council requesting me to refuse to confirm the Land Section registration and if such request is received I will set aside this decision so far as it relates to the Land Section registration and give a supplementary decision in accordance with the request.

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 26th day of April — 1978

A. A. Boden *Boden*

Commons Commissioner