



In the Matter of Mockbridge Green, Henfield,
West Sussex (No.2)

DECISION

This reference relates to the question of the ownership of land known as Mockbridge Green, Henfield, being the land comprised in the Land Section of Register Unit No.VG.53 in the Register of Town or Village Greens 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 one claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 13 April 1978. On the evidence adduced at the hearing, the learned Commissioner was satisfied that the West Sussex County Council was the owner of part of the land, and he was not satisfied that any person was the owner of the remainder of the land. On 13 June 1979 the learned Commissioner directed the County Council to make registrations in accordance with his decision.

On 18 September 1979 the County Secretary wrote to the Clerk of the Commons Commissioners stating that a claim to the ownership of part of the land of which Mr Commissioner Baden Fuller was not satisfied as to the ownership had been made by Blyth Model Dairies Ltd and asking whether the learned Commissioner would agree to amend his decision accordingly. The Clerk of the Commons Commissioners informed the County Secretary by letter dated 16 October 1979 that if the Henfield Parish Council, Blyth Model Dairies Ltd, and the County Council all agreed to the re-opening of the hearing, the learned Commissioner would set aside his decision and direction and there would be a new hearing. There was subsequently produced an agreement in writing signed on behalf of all the three interested parties requesting the reopening of the case with regard to the ownership of the part of the land claimed by Blyth Model Dairies Ltd.

The land comprised in the Register Unit is in two pieces on opposite sides of the road (A 281) from Henfield to Cowfold. The piece on the north side of the road is roughly triangular.

In 1930 there was conveyed to the former West Sussex County Council by Mrs E R Hicks with the concurrence of trustees an area of land on the north side of the road which included part of the land comprised in the Register Unit. There was no evidence before Mr Commissioner Baden Fuller regarding the ownership of the remainder of the land on the north side of the road comprised in the Register Unit.



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By a conveyance made 4 January 1946 between (1) Harold Guyler Chester and Kenneth Beauchamp Hicks (2) Prince Littler the land on the north side of the road other than that the subject of the 1930 conveyance was conveyed to the late Mr P. Littler as part of a property known as Nymans Farm. By a conveyance made 28 March 1977 between (1) Anna Leonora Littler, Larmar Claflin Rowland and Geoffrey Hall Clark (2) Naldretts Farms Ltd (3) Blyth Model Dairies Ltd Nymans Farm was conveyed to Blyth Model Dairies Ltd.

On this evidence I am satisfied that Blyth Model Dairies Ltd is the owner of the land on the north side of the road other than that the subject of the 1930 conveyance and that the West Sussex County Council is the owner of the land the subject of that conveyance, and I shall accordingly direct the West Sussex County Council, as registration authority, to register itself and Blyth Model Dairies Ltd as the owners of those respective parts of the land under section 8(2) of the Act of 1965.

There being no further evidence in respect of the land to the south of the road, Mr Commissioner Baden Fuller's direction that the Henfield Parish Council be registered as the owner of that land will be continued.

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

1982

day of

May

1982

Chief Commons Commissioner