



COMMONS REGISTRATION ACT 1965

Reference No. 38/U/15

In the Matter of part of Manor Farm  
Fernhurst, Midhurst R.D., West Sussex

DECISION

This reference relates to the question of the ownership of land (hereinafter called "the Referred Land") being part of the land (hereinafter called "the Unit Land") comprised in the Land Section of Register Unit No. CL87 in the Register of Common Land maintained by the West Sussex County Council. The Unit Land is part of the land now or formerly known as Manor Farm, Fernhurst, Midhurst Rural District, such part being north east of Reek's Wood and west of the public highway called "the A.286.", and extending to the north boundary of Manor Farm. Part of the Unit Land fronting the property known as "Popmoor" is registered at H.M. Land Registry, freehold under Title Nos. SX 138673, SX 52715, SX 77255 and SX 67948; the Referred Land is the part of the Unit Land which is not so registered. No person is registered under section 4 of the Commons Registration Act 1965 as the owner of the Referred Land.

Following upon the public notice of this reference Mr. N.W. Sanderson and Mr. and Mrs. A.T. Young claimed to be the freehold owner of the land in question. Mr. P.D. Hall who owns some 5 acres of land between Crab Wood and Reeks Wood at the northern end of what is known as Van Common inquired whether the Unit Land was part of his property. 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 11 January, 1973. The hearing was attended by (i) Mr. Alexander Thomas Young and Mrs. Frances Joan Young who were represented by Mr. V. Pegler a legal executive employed by Guillaume & Sons Solicitors of Weybridge; (ii) Mr. Nigel William Sanderson and Mrs. Ruby Sanderson who were represented by Mr. D.R. Hooper solicitor employed by Barlow Lyde & Gilbert Solicitors of Drake House, 3/5 Dowgate Hill, London; (iii) Fernhurst Parish Council who were represented by their chairman Mr. H. Merritt and (iv) Mr. R.E. Frost (of Updown Cottage, Van Common) in person.

Mr. Pegler gave some evidence as to his clients' title to land near the Unit Land; after some discussion as to whether his clients' land included any part of the Unit Land, Mr. Pegler told me that on behalf of his clients he did not now make any claim.

Mr. Hooper said his clients claim related only to the part ("the Claimed Land") of the Referred Land which is south west of the southern boundary of the land shown as enclosed by a blue line on the inset sheet No. 17a of the Register map (the land so shown being the land registered at H.M. Land Registry as aforesaid). In his evidence, he produced: (i) a conveyance dated 26 January 1950 by which several pieces of land containing in all 30.617 acres and including a cottage and buildings formerly known as "Cartref" and then known as "Manor Farm" and including also the Unit Land, were conveyed by Mrs. K.L. Teague to Mr. M.D. Ling; the Unit Land was part of a piece of land therein described: "a piece of land... known as Van Common"; (ii) a conveyance dated 22 June 1959 by which a number of pieces of land including the Claimed Land and much of that conveyed by the said conveyance of 26 January, 1950, were conveyed by Mr. M.D. Ling to Mr. A.T. & Mrs. F.J. Young



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(represented at the hearing by Mr. Pegler: he held the said two conveyances on their behalf); (iii) a conveyance dated 16 December 1959 by which the Claimed Land with other land was conveyed by Mr. A.T. & Mrs. F.J. Young to Mr. H.K. Griffith; and (iv) a conveyance dated 2 November 1963 by which the Claimed Land with other land was conveyed by Mr. H.K. Griffith and Mr. N.W. and Mrs. R. Sanderson. In all the said four conveyances, the lands conveyed (at least so far as any formed part of Van Common) were conveyed subject to "the pastoral rights (if any) of the Commoners of the manors of Lynchmere and Shulbred". Mr Hooper also produced a recent survey of the land comprised in the conveyance of the 2nd November 1963 made by Messrs. Messenger May Baverstock as agents for his clients.

Mr. Merritt on behalf of the Parish Council offered no evidence of ownership of any part of the Referred Land.

Mr. Frost stated that he claimed access over the Claimed Land in respect of his house Updown Cottage and some  $2\frac{1}{2}$  acres of land held with it, situate to the south west of the Claimed Land and on Ordnance Survey map numbered 237, 239 and (part) 236.

I am not I think concerned at this hearing with any right of way Mr. Frost may have over the Unit Land. On the evidence as above summarised I am satisfied that Mr. Nigel William Sanderson and his wife Mrs. Ruby Sanderson of Kuala Kangsar Estate, Padang Rengas, Perak, Malaysia are the owners of the Claimed Land and I shall accordingly direct the West Sussex County Council as registration authority to register them as owners of part of the land comprised in this Unit which is situate south west of the southern boundary of the land shown enclosed by a blue line on the inset sheet No. 17a of the Register map (the land so shown being that registered under Land Registration Acts 1925 & 1936). In the absence of any evidence as to the ownership of the remaining part of the Referred Land, I am not satisfied that any person is the owner of it and it will therefore be subject to protection under section 9 of the Act 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

19<sup>th</sup>

day of

January

1973

A. A. Baden Fuller

Commons Commissioner