



In the Matter of Roundstreet Common (part),
Loxwood, West Sussex.

DECISION

This reference relates to the question of the ownership of land known as Roundstreet Common (part), Loxwood, being the land comprised in the Land Section of Register Unit No. CL 14 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 one claimed to have information as to its ownership.

Mr Commissioner Settle Q.C. held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 5 October 1979 but died without having given his decision. In pursuance of reg. 29 of the Commons Commissioners Regulations 1971, I held further hearings at Chichester on 12 May 1980 and 17 February 1981.

At the hearing Mr A J Griffiths appeared in person.

The land comprised in the Register Unit was formerly part of the waste lands of the manor of Bury held by the trustees of the Duke of Norfolk's settled estates. After the sale of the Duke's rights as lord of the manor in 1932, the southern half of the land passed by divers mesne assignments to Mr Griffiths and his wife by a conveyance made 24 October 1975 between (1) Hugh Thayer Nicholson and Anita Mercedes Nicholson his wife (2) Anthony John Griffiths and Janice Victoria Griffiths his wife. There has, however, been some dispute between Mr and Mrs Griffiths and Mr M J Cooke, who owns a house immediately to the south of the land in question regarding a very small area of the land comprised in the Register Unit to which Mr Cooke claims to have a possessory title. Before the hearing on 17 February 1981 the parties had settled their differences by the erection of a post and rail fence along their common boundary.

On this evidence I am satisfied that Mr and Mrs Griffiths are the owners of the part of the land conveyed to them and that Mr Cooke is the owner of the land to the south of the post and rail fence, and I shall accordingly direct the West Sussex County Council, as registration authority, to register Mr and Mrs Griffiths and Mr Cooke as the owners of their respective parts of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder 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

3rd

day of

March

1981


 Chief Commons Commissioner