



COMMONS REGISTRATION ACT 1965

Reference No 238/U/27

In the Matter of The Green and  
The Pond, Walberton, Arun District,  
West Sussex

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DECISION

This reference relates to the question of the ownership of land known as The Green, and the Pond, Walberton, Arun District being the land comprised in the Land Section of Register Unit No VG. 21 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.

When making this reference the County Secretary said (letter dated 21 January 1973) that Walberton Parish Council claim the land as having been conveyed to them in 1951.

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 12 April 1978. At the hearing Walberton Parish Council were represented by Mr D J Milburn their vicechairman.

The land ("the Unit Land") in this Register Unit is in two pieces: one, a ~~square~~ triangle about 100 yards long between, and next to the meeting point of, West Walberton Lane on the north west and Eastergate Lane on the south; and the other, a little longer but not quite so wide, on the opposite side of Eastergate Lane, and having at its west end a pond (about one third of the area of the piece).

Mr Milburn, who has lived in the Parish for 6 years and been a member of the Parish Council for 2 years, in the course of his evidence produced: (1) A conveyance dated 21 November 1951 by which Mr A J Dean conveyed to the Parish Council two pieces of land having an area of .993 of an acre and being OS Nos 153 and 158; (2) an abstract dated 1951 of his title commencing with a conveyance dated 6 November 1918 to Mr H Humphreys; and (3) a picture postcard (made about 1912) showing the north piece.

As regards all the Unit Land except the pond:- This is the same as the land by the 1951 conveyance expressed to be conveyed, and the title to it of the then vendor is regularly deduced by the abstract.

As to the Pond, Mr Milburn said (in effect):- There are bylaws made at least 20 years ago regulating the use of the Green and such Byelaws expressly extend to the Pond. The Pond is regularly maintained by the Parish Council. About 3 years ago the silt from it was excavated; about 8 or 10 years ago a small island (on it there are now willow trees) was made in the middle; in about 1949 a concrete wall or kerb was made at the eastern end; all these things were arranged and paid for by the Parish Council.



Two days after the hearing I inspected the Unit Land. The Pond appears to belong to and form part of the Unit Land.

Whether or not the Parish Council in 1951 acquired a good title to the Pond under the 1951 conveyance, I consider upon the evidence summarised above that they can properly be regarded as having taken possession of it, and I conclude therefore that they now have a good title to all the Unit Land either under the conveyance and the abstracted documents or by possession. I am therefore satisfied that the Parish Council are the owners of the land and I shall accordingly direct the West Sussex County Council as registration authority to register Walberton Parish Council as the owners of the land under section 8(2) 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 13<sup>th</sup> day of May - 1978

*C. A. Bacon* Julia

Commons Commissioner