



COMMONS REGISTRATION ACT 1965

Reference No.37/U/101

In the Matter of Land at Balneath Gate,  
South Chailey, Chailey, East Sussex.

DECISION

This reference relates to the question of the ownership of land at Balneath Gate, South Chailey, Chailey, being the part of the land comprised in the Land Section of Register Unit No.CL 120 in the Register of Common Land maintained by the former East 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Lewes on 19th November 1974.

At the hearing Mrs G.Impey, solicitor, appeared for the Chailey Parish Council and Mr W.F.Medhurst, solicitor, appeared for Mr D.H.Stuckle, the applicant for the registration. The hearing was also attended by Mr Ivor Grantham, the lord of the manor of Balneath.

The land comprised in the Register Unit is a drive leading in an easterly direction from the main road opposite the Swan Inn, past Balneath Gate, to Balneath Farm. The portion of the drive between Balneath Gate and Balneath Farm is registered under the Land Registration Acts 1925 to 1966 (Title No.SX 31144). It is therefore only the portion between the road and Balneath Gate which is the subject of this reference.

Mr Grantham had some information relating to the portion of the drive to the east of Balneath Gate, of which he was the owner until 1944, but none about the western portion.

The western portion affords the means of access to Mr Stuckle's house, known as Little Meadow, but Mr Stuckle claims no more than a right of access over this land.

In the absence of any evidence I am not satisfied that any person is the owner 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 16<sup>th</sup> day of December 1974

  
Chief Commons Commissioner