



COMMONS REGISTRATION ACT 1965

Reference No 37/U/60

In the Matter of Lane End Common, Chailey Parish  
Chailey R.D., East Sussex

DECISION

This reference relates to the question of the ownership of the part ("the specified part") hereinafter defined of land known as Lane End Common, Chailey Parish, Chailey Rural District being the land comprised in the Land Section of Register Unit No CL.4 in the Register of Common Land maintained by the East Sussex County Council. The Ownership Section of this Register Unit shows Mr William Ivor Grantham as the owner of that part of the land ("the Unit Land") comprised in this Register Unit lying to the north east of the line A-B on the register map and this entry being undisputed became final on 1 October 1970; it also shows Chailey Parish Council as the owner of that part of the Unit Land lying to the south of line B-C on the said map and this entry being undisputed became final on 1 August 1972. The specified part means that part of the Unit Land which is south west of the said line A-B, which is north of the said line B-C and 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 Unit Land. Mr Grantham in a letter dated 6 November 1972 said he had known Lane End Common since the days of his childhood before the first two World Wars. 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 Lewes on 7 March 1973. The hearing was attended by the Parish Council who were represented by Mr J P E Barrett solicitor of Messrs Blaker Son & Young Solicitors of Lewes and by Mr Grantham in person.

Mr Barrett in the course of his evidence produced a conveyance dated 24 September 1957 by which there had been conveyed to the Council land described as follows:- "ALL those the Manor or Lordship or reputed Lordship of the said Manor situate at Chailey in the County of Sussex and which are for the purpose of identification only ... more particularly delineated on the plan annexed and thereon edged pink". The conveyance was expressed to be "subject to the Manor of Houndean to the one undivided fourth share in the said Manor of Mabel Tottenham's Estate". The land so delineated included the whole of the specified part and also the part of the Unit Land of which Mr Grantham is so registered. Mr Barrett explained that when the Parish Council applied to be registered as owner of the part south of the line B-C, the plan annexed to the application mistakenly did not follow the plan of the conveyance; in effect I was at the hearing being asked to correct the mistake that was then made.

The Unit Land is open land, on it there is a memorial stone erected in Coronation Year. It is one of a number of pieces of land regulated by bye-laws made by the Rural District Council of Chailey on 29 August 1952 in pursuance of a scheme made by them and approved by the Board of Agriculture & Fisheries under the Commons Act 1899.

Mr Barrett had no knowledge of the "Undivided fourth share of the said Manor of Mabel Tottenham's Estate"; no claim had been made by anyone in respect of such estate.



Mr Grantham said that among the records relating to his part of Lane End Common (sometimes in these records called Houndean) there was a record of a perambulation and other documents showing the boundary in 1845, 1858 and 1893; they were not altogether consistent with each other or with the Register map. He was agreeable to the line A-B as drawn on the Register map being the boundary between part of the Unit Land owned by the Parish Council and the part owned by himself.

On the evidence outlined above I am satisfied that the Parish Council is the owner of the specified part and I shall accordingly under section 8(2) of the Act of 1965 direct the East Sussex County Council as Registration Authority to register Chailey Parish Council as the owner of that part of the land comprised in this Register Unit which is southwest of the line A-B and north of the line B-C on the Register map and of which no person is now registered in the Ownership Register as the owner.

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 of which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this: 27<sup>th</sup> day of March 1973

a. a. Baden Fuller

Commons Commissioner