



COMMONS REGISTRATION ACT 1965

Reference No.37/D/75

In the Matter of Piltdown Common,
Maresfield and Fletching, and
Grisling Common, Fletching,
East Sussex (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Rights Section of Register Unit No.CL 30 in the Register of Common Land maintained by the former East Sussex County Council and is occasioned by Objection No.8 made by the Trustees of the Piltdown Golf Club and noted in the Register on 6th December 1969.

I held a hearing for the purpose of inquiring into the dispute at Lewes on 20th November 1974. The hearing was attended by Mr Gilbert Grover, the applicant for the registration, and by Mr R.F.D.Barlow, of counsel, on behalf of the Objectors.

Mr Grover applied for the registration of a right of grazing 9 cattle and 12 breeding ewes and a right of fishing in the ponds. At the outset of the proceedings Mr Grover stated that he never intended to apply for a right of grazing any breeding ewes and that its inclusion was an error, while at a later stage Mr Barlow stated that the Objectors were content that the right of fishing should remain on the Register. I have, therefore, to consider only the registration of the right of grazing 9 cattle.

Mr Grover is 71 years of age and has known his farm and the land comprised in the Register Unit all his life. He has no title deeds, though he believes that his farm has been in his family since 1720. He frankly said that the farm, which has an area of 12 acres, would not carry 9 cattle through the winter without bought-in foodstuffs: on the terms implied in levancy and couchancy he put the capacity of the farm at 6 cattle. Mr Grover said that down to 1947 he used to turn out cattle on the land in question, as had his father and grandfather before him. On that evidence I would be prepared to find that in 1947 there was a right of common of pasture for 6 cattle appurtenant to the farm.

Since 1947 Mr Grover has not turned out any cattle. His reason for ceasing to do so is that the road traffic has increased so much that it is no longer safe to do so without employing someone to look after the animals and that is not practicable.

While Mr Grover does not admit that he has abandoned his right to graze cattle on the land in question, I have formed the view on his evidence that, while he may not have decided at some moment of time in 1947 that he would



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never again exercise his right, he has now no real intention of ever doing so in the future. Conditions have changed with the passage of time and Mr Grover has realistically accepted it. Such an attitude of mind amounts, in my view, to an abandonment of the right.

For these reasons I confirm the registration with the following modification:- namely the deletion of the words "Grazing for 9 cattle and 12 breeding ewes".

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 19th day of December 1974

A handwritten signature in black ink, appearing to read 'G. J. L. Smith', written in a cursive style.

Chief Commons Commissioner