



COMMONS REGISTRATION ACT 1965

Reference No.37/D/78

In the Matter of Piltdown Common,
Maresfield and Fletching and
Grisling Common, Fletching,
East Sussex (No.4)

DECISION

This dispute relates to the registration at Entry No.8 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.26 made by the Trustees of the Piltdown Golf Club and noted in the Register on 30th July 1970.

I held a hearing for the purpose of inquiring into the dispute at Lewes on 20th November 1974. The hearing was attended by Mr David Baker, the grandson of Mr R.E.Mayes and the late Mrs E.F.Mayes, the applicants for the registration, and by Mr R.F.D.Barlow, of counsel, on behalf of the Objectors.

Mr Baker put in a joint statutory declaration by his grandfather and his mother, Mrs E.M.Baker, from which it appears that the rights the subject of the registration had been exercised without let or hindrance for many years over the land comprised in the Register Unit lying to the north of the A 272 road. This land is not the property of the Objectors and the Objection is expressly limited to their own land. There is, therefore, no reason why the rights claimed should not be confirmed in so far as they relate to the land to the north of the road. However, Mr Baker contended that the land comprised in the Register Unit was indivisible and that the registration ought to be confirmed in respect of the whole. I find myself unable to accept that argument. There is no evidence that rights over the land to the south of the road have ever been exercised by the occupiers of Martins Cottage. The only evidence of the existence of any rights in connection with Martins Cottage is the fact that they have been exercised for a long period. That evidence relates only to the land to the north of the road and the road is such a well-defined physical feature that I cannot infer from that evidence the existence of any extension of the rights over the land to the south of the road.

For these reasons I confirm the registration with the following modification: namely, the insertion after the words "register unit" the words "other than the land shown hatched red on the register map".

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.


 Chief Commons Commissioner