



COMMONS REGISTRATION ACT 1965

Reference No.37/U/19

In the Matter of Turner's Green,
Warbleton, East Sussex.

DECISION

This reference relates to the question of the ownership of land known as Turner's Green, Warbleton, being the land comprised in the Land Section of Register Unit No.C.L.56 in the Register of Common Land maintained by the 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 29th November 1972.

At the hearing the County Council was represented by its Assistant Solicitor, Mr. Clements, and Mr. W.R. Beswick, who applied for the registration, appeared in person.

Mr. Clements said that the County Council claimed to be the owners of the land in question as highway authority. Mr. Beswick denied this claim. Mr. Beswick did not claim to be the owner himself, but said that the land ought to be subject to protection under section 9 of the Act of 1965.

The land in question is a grassy area, triangular in shape and bounded on all three sides by roads. It lies at the junction of two county roads, one of them a non-principal Class III road and the other an unclassified road. Both these roads are of some antiquity, both being shown on the earliest Ordnance Survey map. They are also shown on the map annexed to the Tithe Award for the parish of Warbleton. On this latter map the layout of the road junction is shown in substantially the same form as it exists today, but there is nothing on the map to distinguish the land in question from the carriage-ways by which it is surrounded. Mr. Clements argued that I ought to deduce from this that the land in question was not grassed, but formed part of the roadway. It is, however, significant that on both maps the words "Turner's Green" appear near to the road junction and there appears to be no other piece of land to which they could refer. For my part, I do not regard either of these matters as being conclusive. If Mr. Clements's contention that this land is part of the highway is correct, it would appear that it would have become vested in the County Council as highway authority by section 29 of the Local Government Act 1929 or section 226 of the Highways Act 1959.

I have, however, come to the conclusion that this contention is not now open to the County Council. The registration of this land as common land became final on 1st October 1970. Therefore the registration is by virtue



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of section 10 of the Act of 1965 conclusive evidence that this land is "common land" as defined in section 22(1) of that Act. That definition provides that it does not include any land which forms part of a highway. Therefore, in my view, the registration is conclusive evidence that this land does not form part of a highway.

In the absence of any other evidence I am not satisfied that any person is the owner of the land and it will therefore be 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 7th day of December 1972

Chief Commons Commissioner