



COMMONS REGISTRATION ACT 1965

Reference Nos.14/D/20-23

In the Matter of Broxhead Common,  
Whitehill and Headley, Hampshire (No.1).

DECISION

These disputes relate to the registration at Entry No.3 in the Land Section of Register Unit No.CL 147 in the Register of Common Land maintained by the former Hampshire County Council and are respectively occasioned by Objection No.OB 274 made by Mr A.G.P.Whitfield and noted in the Register on 15th September 1970, Objection No.OB 392 made by Mr D.J.Hadfield and noted in the Register on 7th December 1970, Objection No.OB 230 made by Amey Gravel Ltd and noted in the Register on 19th October 1970, and Objection No.OB 252 made by Mr A.G.Jeffree and noted in the Register on 2nd September 1970.

I held a hearing for the purpose of inquiring into the disputes at Winchester on 9th, 10th, and 11th April 1974 and at Watergate House, London, WC2N 6LB on 26th and 29th April, 7th, 8th, and 9th May, 18th and 19th June, and 14th October 1974. The hearing was attended by Mr John Mills, Q.C. and Mr John Trenhail on behalf of the Hampshire County Council, and by Sir Frederick Corfield, Q.C. and Mr R.Carnwath on behalf of Mr Whitfield. Mr Hadfield and Mr Jeffree appeared in person. There was no appearance on behalf of Amey Gravel Ltd.

Mr Jeffree has a house on a small plot of land at the northern extremity of the land comprised in the Register Unit. It was agreed by all parties that Mr Jeffree's property, although it appears from the Ordnance Survey map to have been at some time enclosed from the Common, ought not now to be included in the Register Unit. It was also agreed that some other small areas ought to be excluded from the Register Unit. The land to be excluded has been indicated on a plan prepared by the County Council.

The land the subject of the reference is crossed by a road leading from Sleaford in the north to Lindford in the south. As will be explained in my decision in In the Matter of Broxhead Common (No.2), Nos.14/D/24-29, it has been accepted that some rights of common should be registered in respect of the portion of the land to the west of the road. With regard to the land to the east of the road, Mr Mills put his case in the alternative, arguing that this land fell within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 either by being subject to rights of common or by being manorial waste not subject to rights of common.

There is, in my view, no substance in the alternative contention that the land to the east of the Sleaford-Lindford road is manorial waste, for it is not and has not at any material time been in the same ownership as any part of the lordship of the manor, but for the reasons to be given in my decision relating to Reference Nos.14/D/24-29 I have been satisfied that this land is subject to rights of common.



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Having been satisfied as to the existence of rights of common in respect of the land not excluded from the Register Unit, I accordingly confirm the registration the subject of the present disputes with the exclusion of the small areas of land previously mentioned.

Applications for costs were made by Mr Mills and Sir Frederick Corfield. After careful consideration I have come to the conclusion that this is not an appropriate case for an order for costs.

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 22nd day of November 1974

Chief Commons Commissioner