



COMMONS REGISTRATION ACT 1965

Reference Nos 236/U/25  
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236/U/31  
236/U/32  
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236/U/41

In the Matter of (1) part of Stroatley Green, (2) part (west of Grayswood Road) of Clammer Hill, (3) part of Weydown Common, (4) land adjoining Grayswood Church, (5) Church Green, (St Bartholomew's), (6) Shepherd Hill Common, (7) Haste Hill, (8) St Christopher's Green and the Fairground, (9) Grayswood Common (east of A286 road), and (10) Grayswood Common (west of A286 road) all in the former Urban District of Haslemere, now Waverley District, Surrey

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#### DECISION

These references relate to the question of the ownership of lands all in the former Urban District of Haslemere, now Waverley District, Surrey, being (1) part of Stroatley Green, (2) land by Clammer Hill on the west side of Grayswood Road, (3) part of Weydown Common, (4) land adjoining Grayswood Church, (5) Church Green (by St Bartholomew's), (6) Shepherds Hill Common, (7) Haste Hill Common (except as below mentioned), (8) St Christopher's Green and the Fairground, (9) part of Grayswood Common (east of the A286 road), and (10) part of Grayswood Common (west of the A286 road), and being lands comprised in the Land Section of Register Unit: (1) No CL. 334, (2) No CL. 343, (3) No CL. 333, (4) No CL. 341, (5) No CL. 338, (6) No CL. 335, (7) No CL. 336, (8) No CL. 340, (9) No CL. 99 and (10) No CL. 337 respectively of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner except as regards Haste Hill (CL. 336) the land registered at HM Land Registry under the Land Registration Acts 1925 to 1966 under Title Nos SY 361017 and SY 356422.

Following upon the public notice of this reference Waverley District Council Countryside Officer said (1) he had reason to believe that his Council owned all or part of CL. 340 (St Christopher's Green and the Fairground), CL. 343 (Clammer Hill west of Grayswood), CL. 333 (Weydown Common), CL. 341 (Land adjacent to Grayswood Church), CL. 338 (Church Green), CL. 335 (Shepherds Hill Common), CL. 336 (Haste Hill Common), CL. 337 (Grayswood Common), and (2) he understood that CL. 99 (Grayswood Common) is in private ownership. No other person claimed to be the freehold owner of the lands in question and no other person claimed to have information as to their ownership.



I held a hearing at Guildford on 11 January 1977 in respect of Unit Nos (1) CL. 334, (2) CL. 343, (3) CL. 333, (4) CL. 341, (5) CL. 338, (6) CL. 335, (7) CL. 336 and (8) CL. 340, and on 12 January 1977 in respect of Unit Nos (9) CL. 99 and (10) CL. 337. At this hearing Waverley District Council were represented by Mr A R Hart, Solicitor of the Council.

Mr J H Davies who was from 1954 to 1965 and from 1968 to 1974 clerk and solicitor of Haslemere Urban District Council in the course of his evidence produced: (1) a conveyance dated 15 May 1953 by which Mrs Dorothy Binny, being entitled to the property thereby conveyed under an assent dated 25 November 1935 and holding the same under a settlement created by the will of Mr Frederick Arthur Crisp (he died 10 March 1921) conveyed to Haslemere District Council the Manors of Godalming and Haslemere "together with the waste lands belonging to the said Manors...within the area edged red on the key plan of the Manor of Godalming aforesaid incorporated in an index prepared in...(1912)...of the quit rents and fee farm rents then payable in respect of the said Manors..."; (2) the said 1912 index and map; and (3) an OS map of 1917 (25 inches = 1 mile) which he was when he was appointed clerk shown as showing more clearly the waste lands comprised in the 1953 conveyance; and (4) various other documents hereinafter mentioned. Of the lands with which I am concerned, Mr Davies identified the following as being shown on the 1912 map:- CL. 334 (Stoatley), CL. 343 (Clammer), CL. 333 (Weydown), CL. 341 (Grayswood Church), CL. 338 (St Bartholomew's), CL. 99 (Grayswood Common east) and CL. 337 (Grayswood Common west).

Mr F C Smith who was employed by Haslemere Urban District Council from 1937 to 1974, having been up to 1965 a senior engineering assistant and afterwards the Deputy Surveyor, in the course of his evidence described the lands with which I am concerned and the things done by the Council in relation to them. CL. 334 (Stoatley) is a strip of land by the side of Bunch Lane, with a stream running through; open to the highway; the Council have cleared the stream and attended to the grass. CL. 343 (Clammer) are roadside strips open to Clammer Hill (the road is so named) and the Council have looked after them. CL. 341 (Grayswood Church) is waste ground around the Churchyard, and between it and the access road to the farm; the Council have taken some of the trees. CL. 338 (St Bartholomew's) is a green fronting on St Bartholomew's Church and open to the road; the central green area is surrounded with horse chestnut trees; on it the Council have erected a seat; they trim the grass. CL. 333 (Weydown) is a wooded area open to the public, and the Council were its reputed owners. CL. 99 and CL. 337 are wooded areas, and the Council have thinned out the trees; there is very little grass; but a lot of chestnut on the west side of the road and scrub and birch on the east side.

Mr Davies produced various documents showing that the Council have been dealing with these lands as owners; CL. 343 (Clammer Hill), six grants of rights of way (1954, 1955, 1961, 1963 and 1966); and CL. 333 (Weydown), grant of easements and way leaves (1954 and 1955). He also produced by-laws made on 6 July 1900 by Haslemere Parish Council under the Public Health Act 1875 and the Local Government Act 1894 for (among other common) Weydown Common.

The Rights Section of Register Unit No CL. 99 (Grayswood east) contains three Entries of rights in gross of estovers, of turbary, and of pannage for 2 pigs. The Rights Sections of none of the other Register Units with which I am dealing contain any Entries.



The acts of ownership done by the Council since 1953 in respect of the 7 pieces of land dealt with in the evidence above summarised, do not amount to much; but all these pieces are waste land in respect of which an owner would not normally do much. In the absence of any claim by any other person, I consider that I should give full effect to the 1953 conveyance, and accordingly I am satisfied that Waverley District Council as successor in title of Haslemere Urban District Council ~~is~~ the owners of these 7 pieces of land comprised in Register Unit Nos CL. 334, CL. 343, CL. 333, CL. 341, CL. 338, CL. 99 and CL. 337.

The CL. 335 land (Shepherds Hill Common) is in three pieces, one piece (about one-third of the whole) is southeast of and above the A286 from Haslemere to Midhurst; another of the pieces (nearly two-thirds of the whole) is northwest of and slopes steeply down from the road; the remaining piece (a small triangular area) is grassland at a road junction.

Mr Davies identified CL. 335 land on the 1912 map on which it was shown as all being waste land of the Manors of Godalming and Haslemere. However he produced a conveyance dated 6 October 1921 by W C Ryde and F A Roberts to Haslemere Urban District Council by which most of the middle piece was conveyed to the Council as being part of the Manor of Whitley; the plan on this conveyance shows the CL. 335 land except for a small strip along the east side as being either in the Manor of Whitley (the south part) or in the Manor of Godalming (the north part). Mr Davies also produced an agreement dated 24 May 1912 by which Mr F A Crisp granted to the Haslemere Parish Council a licence to erect a flag-staff on the middle piece. Shepherds Hill Common is included among the commons which became subject to the above mentioned 1900 By-Laws.

Mr Davies and Mr Smith said that the flag-staff was in the position contemplated by the 1912 agreement until about 1960; the strip which according to the 1921 conveyance was in the Borough of Haslemere was not in either Manor, is a bank upon the top of a stone wall and the Council have kept this in order. The Common, nearly in the middle of Haslemere, as an amenity is of importance.

The CL. 335 land all shown on the 1912 map is all within the 1953 conveyance; notwithstanding that the Council may also have an independent title under the 1921 conveyance and to the strip by possession, I conclude that all the CL. 335 land is now one piece of land in one ownership and that I ought to give full effect to the 1953 conveyance. I am therefore satisfied that Waverley District Council as successors to Haslemere Urban District Council are now the owners.

The CL. 336 land (Haste Hill) is a steeply sloping area of wooded land south of the Haslemere-Petworth road, a short distance from the middle of Haslemere. The part registered at HM Land Registry under the Title Nos above mentioned is a comparatively very small part at the northeast corner. Mr Davies produced a conveyance dated 21 January 1936 by which F W Ward and another conveyed the remainder of the CL. 336 land to Mr A Somers ~~and~~ a conveyance dated 24 February 1951 by which Mr Somers conveyed the same land to Haslemere Urban District Council. Mr Smith said that the Council as far as he could recollect maintained the land for about 40 years.





There is no reason why I should not give full effect to the 1936 and 1951 conveyances, and accordingly I am satisfied that Waverley District Council as successor of Haslemere Urban District Council are the owners of the CL. 336 land.

The CL. 340 land is three pieces: one a triangular piece north of the road and south of St Christopher's Church, being a grass area open to the road; another being a slightly larger piece on the opposite side of the road, between the road and the railway and now used as a sort of car park; and the third piece being much smaller than the others, a grass area south of the road and west of the car park area. Mr Davies produced a conveyance dated 26 January 1906 by which Mr W H Marling conveyed this land (therein described as Clay Hill Common) to Haslemere Parish Council. Mr Smith confirmed that he had known it "as Wey Hill" as marked on a modern map. By the Haslemere Urban District Council Order 1912 sealed by the Local Government Board on 19 February 1913, the Parish of Haslemere became the Rural District of Haslemere; later it became an Urban District. Mr Smith said that the Council maintained the grass areas and had given permission for a pipe to be laid underground.

I conclude that I ought to give full effect to the 1906 conveyance, and accordingly I am satisfied that Waverley District Council as the successors of Haslemere Urban District Council (they being the successor of Haslemere Parish Council) are the owners of this land.

In accordance with the ownership to which I am satisfied as above set out I shall direct Surrey County Council as registration authority to register Waverley District Council as the owner of all these lands under section 8(2) of the Act of 1965 excepting only so much of the CL. 336 land as is registered at HM Land Registry under the Land Registration Acts 1925 to 1966 under Title No SY 361017 and SY 356422.

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 6<sup>th</sup> day of April \_\_\_\_\_ 1977

a. a. Baden Fuller

Commons Commissioner