

In the Matter of Ashtead Common
(parts near Woodfield east of
Station Road and south of
Bassetwood Road), Ashtead,
Mole Valley District, Surrey

DECISION

This reference relates to the question of the ownership of the part ("the Referred Land") of Ashtead Common south of Bassetwood Road, Ashtead, Mole Valley District which said part together with another part ("the Station Road Part") of Ashtead Common east of such Road together make up the land comprised in the Land Section of Register Unit No CL 477 in the Register of Common Land maintained by the Surrey County Council. Of the Referred Land no person is registered under section 4 of the Commons Registration Act 1965 as the owner; the Station Road Part is registered at HM Land Registry under the Land Registration Acts 1925 to 1966 under Title No SY 315588.

Following upon the public notice of this reference Mr R J Tucker said (letter of 12 May 1978) that Ashtead Common is in the ownership of the Lord of the Manor, Lord Barnby; and Lord Barnby and his Solicitors (letters of 28 May and 7 July 1978) said that his land is registered under Title No SY 292813 (the main part of Ashtead Common). No other person claimed to be the freehold owner of the land in question or 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 Guildford on 6 November 1978. At the hearing (1) Surrey County Council were represented by Miss P J Fishwick articled clerk with their Deputy County Clerk, and (2) Mole Valley District Council were represented by Mr B A S Macnamara legal assistant in their employ.

Miss Fishwick produced the Land Certificate for Title No SY 315588 which showed that Leatherhead Urban District Council were on 26 February 1964 registered with an absolute title to the Station Road Part. She said that this Part had since been transferred to the County Council as highway authority for highway purposes.

Mr Macnamara in the course of his evidence produced a conveyance dated 23 October 1946 by which Mr A R Cotton in consideration of the

covenantance therein contained conveyed the Referred Land to Leatherhead Urban District Council; and the Council covenanted with Mr Cotton (among other things) to maintain the pond in proper condition and to maintain the land as an open space as an extension of the recreation ground adjoining. Mr Macnamara said he understood that the eferred Land is and has been maintained by the District Councils (successively).

On this evidence I am satisfied that the District Council are the owners of the Referred Land, and I shall accordingly direct the Surrey County Council as registration authority, to register Mole Valley District Council as the owner of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 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 28th

day of *November* 1978

a.e. Bate Fuller

Commons Commissioner