



In the Matter of Blindley Heath, Tandridge
and Godstone, Tandridge D

DECISION

This dispute relates to the registration at Entry No. 4 in the Rights Section of Register Unit No. CL 15 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 495 made by Godstone Parish Council and noted in the Register on 24 February 1951.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 5 October 1983. The hearing was attended by Mr John Hankey and by Mr A T Sutton, Clerk to Godstone Parish Council.

The original hearing of this and other disputes relating to CL 15 was held on 25 June 1981; on Mr Hankey's subsequent request, it has been re-opened to consider this dispute further.

Entry No. 4 in the Rights Register was made on the application of a Mr Tiddy. The Entry claimed, as attached to Homers Cottage, rights of grazing up to 10 head of horses or cattle or sheep or pigs, and rights of estovers and turbary. The Objection is a denial of the existence of such rights.

Mr Hankey told me that he acquired part (No.2) of Homers Cottage in 1975. He said that animals grazed on CL 15 up to some twenty years ago, but no animals are grazed now. He did not know whether Mr Tiddy or his predecessors grazed animals or took wood or turf: he himself would like to maintain the right to estovers - he had not actually seen cattle grazing or people taking brushwood.

Mr J Dinnes, who has owned No. 2 Homers Cottage since 1978, said that he did not know what animals grazed but when he purchased from Mr Tiddy he was told there were rights.

CL 15 was conveyed to the Parish Council in 1950 by Sir Peter Greenwell, subject to such rights and easements as might exist. Mr Sutton told me that the Parish Council had no records of any rights of common over the Heath and was not aware of any such records.

In my opinion the evidence does not establish the existence of the rights claimed and in the result I refuse to confirm the registration.

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 15 November 1983

L. J. Evans Smith
Commons Commissioner