



COMMONS REGISTRATION ACT 1965

Reference No 236/U/110

In the Matter of Broad Street Common
(part between Strawberry Cottages and
the railway), Worplesdon, Guildford
District, Surrey

DECISION

This reference relates to the question of the ownership of the Referred Part hereinafter defined of land which is known as Broad Street Common (part between Strawberry Cottages and the railway) Worplesdon, Guildford District and which is the land comprised in the Land Section of Register Unit No CL 468 in the Register of Common Land maintained by the Surrey County Council. The Referred Part means the part which is not registered at HM Land Registry under Title No SY 164738 and 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 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 Referred Part at Guildford on 28 November 1979. At the hearing Surrey County Council were represented by Mr B Cotter a Principal Solicitor with the Council.

The land ("the Unit Land") in this Register Unit is a strip a little less than 400 yards long extending from an arch under the railway to the north to a line near to the said Strawberry Cottages on the south. All the Unit Land is within Title No SY 164738 except (A) and area at the south end being about 50 yards square or less, and (B) a very narrow strip along and within the east boundary.

Mr J D Culverwell, who is a chartered surveyor employed by Surrey County Council in their County Valuer and Estates Surveyor's Department, and who has been responsible for the day to day running of some of their Commons including Broad Street Common said (in effect):- The SY 164738 land is in the registered ownership of the County Council, being part of the Commons (extending to about 2,000 acres) acquired by the County Council from the Earl of Onslow. The contract (produced) dated 3 January 1963 relating to this acquisition shows as included in the land to be acquired not only all the SY 164738 land and also the area (A) above mentioned. He thought that the reason why the area (A) was not included in the SY 164738 Title No was because the area (A) was on a different OS map scale 1/2500 (extract produced); however this may be, the area (A) is part of the same piece of land and could not sensibly belong to different owners. The strip (B) is a ditch (shown on the said OS map 1/2500) and the County Council do not claim to own it.

On the evidence summarised above, I am satisfied that the County Council are the owners of the said area (A), and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct the Surrey County Council as registration authority to register themselves a part of the land in this register unit which is south of the land registered at HM Land Registry under Title No SY 164738. As to the strip (B) in the absence of evidence I am not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 of the Act of 1965.



612

- 2 -

I am required by regulation 39(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 3rd day of January 1980. ~~1977~~

A. A. Baden Fuller

Commons Commissioner