



In the Matter of Chobham Common including
Little Heath and Dunstall Green, Chobham

DECISION

This reference relates to the question of the ownership of the parts of the land comprised in the Land Section of Register Unit No. CL.326 in the Register of Common Land maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference claims to ownership of the land in question were made by (1) Surrey Council (2) Mr D W Grummett, (3) Mr R G Burrows.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 11 March 1986.

At the hearing Surrey County Council was represented by Mr Myers, solicitor in its legal department. Mr Grummett & Mr Burrows were each present in person, as were a number of local residents, who were not claiming ownership.

Chobham Common is a large area of some 250 acres, The greater part is registered freehold under the Land Registration Acts, and accordingly its ownership is not a matter for determination by me. There are however six small pieces of which ownership is not registered under the Land Registration Acts, and it is the ownership of these six pieces with which this inquiry is concerned. The six pieces are shown on a plan prepared for this purpose by the County Council.

Mr Grummett's claim is to a piece of land which it now appears has a title registered under the Land Registration Acts and is not within the boundaries of the Unit Land CL.326, Its ownership is therefore not a matter for my decision. Mr Burrows's claim is to a piece lying to the north of Gracious Pond Cottages: he told me that this had been used by him and, before him, by his father and grandfather for access purposes. It may be that he has rights for purposes of access, but he adduced no evidence of ownership and his claim was not established.

Of the six pieces in question, the County Council claims ownership of five: the sixth is a small strip at the north-western corner of the unit land ("the NW strip") ~~re~~ adjoining Sunningdale Golf Course. By a Conveyance dated 17 May 1968 the Earl of Onslow sold & conveyed to the County Council a number of Manors, including the Manor of Chobham, in his ownership and all the commons or waste lands of the Manors shown on the plans attached to the Conveyance and all his estate and title in those lands and all roads verges ways footpaths and tracks in or adjoining the land. As I have mentioned, the greater part of CL.326 has its ownership registered under the Land Registration Acts and this part seems clearly to have been comprised in the



Conveyance. - The six pieces are not so clearly identifiable as included in the Conveyance.

Mr R I Steadman FRICS, the Countryside Officer of the County Council for the past twenty years, gave evidence. He was personally concerned in the negotiations with the Earl of Onslow leading to the purchase of the Commons in 1968; since that time the five pieces of land claimed by the County Council, have been managed by the Council; he said that the acts of management had been openly carried out by the Council and no one had even sought to interrupt them. It is his belief that the pieces of land fall within the manor of Chobham.

On this evidence I am satisfied that the County Council is the owner of the five pieces claimed and I shall accordingly direct the County Council, as registration authority, to register itself as such owner ~~of the land~~ under section 8 (2) of the Act of 1965. The NW piece, as to which I am not satisfied that any person is the owner will remain subject to protection under section 9 of the Act of 1965.

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 six 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

25th

day of

May

1986

L. J. Morris Smith

Commons Commissioner