



In the Matter of Eastern part of Lingsfield
Common (including Little Heath, Watts Hill
and The Chart), Tandridge D

DECISION NO. 1

These disputes relate to the registrations at Entry No. 1 in the Land Section and at the Entries in the Rights Section of Register Unit No. CL 417 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objection No. 725 made by Surrey County Council and Objections Nos. 448 and 599 made by R H G Leveson Gower, noted respectively in the Register on 2 August 1972, 16 October 1970 and 5 June 1972.

I held a hearing for the purpose of inquiring into the disputes at Orsted on 7 May 1961. The hearing was attended by Mrs A Williams, Solicitor, of Lingsfield Parish Council (the applicant for registration in the Land Section); and who also appeared on behalf of Mr B R Herbert (Entry No. 3 in the Rights Section) by three of the applicants for registration in the Rights Section, Mr W Edwards (Entry No. 7), Mrs A H Edwards (No. 8) and Miss E P Quigly (Nos. 9 and 10): by Mr B Cotter, Solicitor of Surrey County Council; and by Mrs G A Shippey of the National Trust, which is the successor in ownership of the greater part of the land to Mr Leveson Gower and is authorised to represent him.

Objection No. 725 is to the registration in the Land Section but relates only to narrow strips of land said to be highway verges. I adjourned this dispute as I understood that it was hoped to resolve it by negotiation.

Objections Nos. 448 and 599 relate to Entries Nos. 1, 2, 3 and 6 to 10 in the Rights Section, and are on the ground that the rights do not exist.

Entries No. 1 and No. 6 There was no appearance by or on behalf of the applicants for registration, and in the absence of evidence in support of the rights claimed, I refuse to confirm their registration.

Entry No. 2 The claim to this right had now been withdrawn and I refuse to confirm its registration.

Entry No. 3 The right claimed is to estovers and turbary. It was agreed that this should be modified so as to read "the right to take one cord of dead wood per annum" and I confirm the registration so modified.

Entries No. 7 and No. 8 These are the Edwards rights referred to in my Decisions on CL 413 (Ref: 236/D/403-414) and CL 415 (Ref: 421-415). These commons were also subject to the provisions of the Order of the Minister of Agriculture and Fisheries mentioned in the ^{same} Decisions, and the evidence given by Mr and Mrs Edwards in regard to CL 415 was equally applicable in the present case. For the reasons given in those Decisions I refuse to confirm these registrations.



Entries No. 9 and No. 10 These are the Quigly rights also referred to in the Decisions on CL 419 and CL 415. In this case Miss Quigly's evidence was to the effect that she had been in these commons over a period of 55 years since she was a child and took heather from them in the autumn. For the reasons given in those Decisions I refuse to confirm these registrations.

Entry No. 4 in the Rights Section has been cancelled and there is no reference before me of a dispute affecting Entry No. 5, although Objection No. 725 by Surrey County Council to the Land involves an objection to that registration. As I have said, that Objection relates only to highway verges so that even if it ultimately succeeds, the bulk of the land comprised in these commons will not be affected and as it will continue to be subject to the Rights at Entry No. 5 and Entry No. 5, the registration in the Land Section will fall to be confirmed, subject to any modification in the form of exclusion of highway verges which may result from the outcome of the County Council's Objection.

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, within 6 weeks from the date on which notice of the decision is sent to him, requires me to state a case for the decision of the High Court.

Dated this

15th

day of

June

1981

L. J. Morris Smith

Commons Commissioners

