



In the Matter of Gomshall Marsh,  
Shere, Guildford District, Surrey

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 2 in the Rights Section of Register Unit No. CL119 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objection No. 158 made by the said Council and noted in the Register on 1 September 1970.

I held a hearing for the purpose of inquiring into the disputes at Guildford on 27 November 1979. At the hearing Surrey County Council were represented by Mr B Cotter a principal solicitor with the Council; and Mrs Handa Bray of High House, Shere was represented by Mr J C Burgess articled clerk with Bolton & Lowe, Solicitors of London.

The land ("the Unit Land") in this Register Unit has a length from east to west of about  $\frac{1}{2}$  a mile and a varying width which is nowhere more than about 200 yards: much of its north side adjoins the road between Abinger Hammer (Dorking) and Gomshall (Guildford) and much of its west side adjoins Railway land (the line between Guildford and Dorking). The registration was made on the application of Mr John Douglas Kerr "as surviving personal representative of the late Sir Jocelyn Bray tenant for life of the Bray Settled Estates"; a similar application made by Guildford Rural District Council is noted in the Register. In the Rights Section there is one registration only, made on the application of Mr T Waterhouse of Bulmer Farm and Mr and Mrs D G Hill of Tower Hill Farm of a right attached to these Farms of pasture of 30 dairy cows. In the Ownership Section Mr J D Kerr as such personal representative is registered as owner of all the Unit Land. The grounds of objection are: "That the land was not common land at the date of registration"; to the Objection is attached a map (not mentioned in the grounds) showing coloured pink a small part of the Unit Land near the Railway land. I have a letter dated 2 June 1979 from Downs, Solicitors of Dorking, saying that Mr Waterhouse died sometime ago and that Mr and Mrs Hill (Mr Waterhouse was her father) became the owner of the lands in question (meaning I suppose Bulmer Farm and Tower Hill Farm).

Mr Burgess said (in effect):- Sir Jocelyn Bray died on 12 February 1964. Mr J D Kerr, who as one of his executors proved his will on 2 November 1964, has since died. The Bray Settled Estates are now vested in Mrs Bray. By a deed of grant (duplicate produced) Mr Kerr granted to the Surrey County Council the land therein described, being land which included the Objection Land above-mentioned.

Mr Cotter explained that the Objection was intended to be limited to the land coloured pink on the Objection plan. Such land contains about 67 square yards and was acquired by the County Council in connection with the recent construction of a public pedestrian tunnel under the Railway. Mr Burgess said (in effect):- So far as Mrs Bray is concerned, on her behalf she agreed to the registration being modified in accordance with the Objection as explained by Mr Cotter. However a Mr Patrick Evelyn may also be concerned because in 1973 he acquired a large portion of the Common; Crow Watkins & Watkins, the agents of that Estate had in a letter dated 24 November 1979 said that their solicitors King & Chasemore had been informed of the hearing.



Notwithstanding that I may not have the agreement of everyone who may be concerned with the Unit Land, having held a public hearing, I consider that I ought to give a decision in accordance with the information now available to me as above summarised. Having regard to the nature of the Objection land, it is unlikely that anyone not represented at the hearing could have any good reason against my giving effect to the County Council Objection as explained by Mr Cotter; accordingly I confirm the registration at Entry No. 1 in the Land Section with the modification that there be removed from the Register the land coloured pink on the plan attached to the Objection, and I confirm the registration at Entry No. 2 in the Rights Section without any modification save such as is consequential on the removal of the said land from the Register.

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 this 17<sup>th</sup> — day of December 1979

a. a. Baden Fuller

Commons Commissioner