

In the Matter of Green Lane,
Hook Heath, Woking District, Surrey

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which is known as Green Lane, Hook Heath, Woking District and which is the land comprised in the Land Section of Register Unit No CL 119 in the Register of Common Land maintained by the Surrey County Council. The Referred Part is the part of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner and which is not registered under the Land Registration Act 1925 to 1966.

Following upon the public notice of this reference Surrey County Council (letter of 12 April 1978) said that the Secretary of Woking Borough Council had advised them that the owner is Mr M J Cadogan of Tara, Copper Beech Close, Hook Heath, and Mr J R M Carr said (letter of 2 May 1978) that in 1970 he had been informed by Mr P D A Chidell that he was the owner of Green Lane and that recently Mr Chidell had said on the telephone that he had sold Green Lane some time ago to Mr Cadogan. No person claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 6 November 1978. There was no appearance at the hearing.

The land ("the Unit Land") in this Register Unit includes a triangular area the east corner of which fronts on Hook Hill Lane and also a strip ("the Foot" which is north of and adjoins Saunders Lane and extends for a little over 100 yds westwards from the south end of Green Lane. In the Ownership Section Mr P D A Chidell is registered as owner of all the Unit Land except the Foot. At HM Land Registry a small part at the east corner of the said triangular area is registered under title No SY 137210 and the remainder of the Unit Land except the Foot and a small strip west of the said title No is registered under title No SY 453306. In a letter dated 24 September

1969 sent to the County Council, Chidell & Co (Mr P D A Chidell) said that the Foot did not belong to them.

So the Referred Part, with which I am concerned comprises the Foot and possibly also a very small area between the two Land Registry Registrations. In the absence of any evidence I am not satisfied that any person is the owner of the Referred Part, and it will therefore remain subject to protection under section 9 of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 19 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 28th day of November 1978

A. A. Boden Fuller

Commons Commissioner