



In the Matter of Land at apex formed by junction
of Tandridge Lane and Jackass Lane, Tandridge

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 501 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 569 made by Surrey County Council and noted in the Register on 26 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 24 June 1981. The hearing was attended by Mr K I Davison the applicant for registration and by Mr B E H Cotter, Solicitor, of Surrey County Council.

There are no rights of common registered and Mr Davison submitted that it is waste land of a manor.

This small triangular shaped piece of land, which I viewed, adjoins on its eastern boundary Tandridge Lane and on its south-western side Jackass Lane, both metalled roads: on its third side are shrubs and trees. The surface is rough grass and there is a chestnut tree, planted in 1952, and a seat on it. On the evidence, confirmed by the view, it is waste land in the sense of being open, uncultivated and unoccupied. Mr Davison produced a map of Tandridge Court of 1761, a copy of the relevant section of the 1885 Ordnance Survey Map, and put in a written statement by an old resident Mr C Stacey, now deceased, which dealt with user of the land by local inhabitants in past years. Mr Davison in his evidence referred to other nearby pieces of land which he said were waste land of the manor of Tandridge and submitted that this piece should be considered as in the same category.

Mr Cotter said that the County Council's Objection was on the ground that the piece of land was highway verge or highway land. He did not call any evidence: at its widest point the piece of land is about 160' wide and on viewing it, there seemed no apparent reason for regarding it as in the nature of highway. I think Mr Davison made out a prima facie case that it is waste land of a manor and I confirm the registration.

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 13th day of July 1981

L. J. Harris Smith
Commons Commissioner