



In the Matter of Land at Goose Green and
Palmers Cross, Bramley, Waverley D

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 147 in the Register of Common Land maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner or with freehold title under the Land Registration Acts.

Following upon the public notice of this reference Mr Anthony Garner claimed to be the owner of part 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 23 June 1983.

At the hearing Mr Garner appeared in person. Major D S Elliott also appeared and claimed ownership of part of the land in question.

The land comprised in this Register Unit ("the Unit land") is a narrow strip running from north to south, ("the NS strip"), with, towards the northern end, an area ("the W area") extending westward at Palmers Cross and, further south, two strips which join the NS strip from the east. (The point at which the more northerly of the two strips joins the NS strip I will call Z and the point where the more southerly joins, Y). The two strips merge into one at a point which I will call X and the merged strip continues a shortish distance further to the east. Parts of the W area and the NS strip at its northern end are registered freeholds under the Land Registration Acts, as also are parts of the strips running to the east.

Mr Garner's claim is to a small piece of land on the north side of which lie his house and garden. The reason for his claim as I understood was that this strip forms a natural and convenient adjunct to his property: but he said that he had no basis for a legal claim. Without adequate evidence of ownership I am not satisfied, and cannot find, that he is the owner of the piece claimed.

Major Elliott's claim is to parts of the ^{Unit Land} NS strip which adjoin land belonging to Whitley Manor Farm. The Farm was the property of his father Daniel S Elliott who died in 1961. Major Elliott and his brother G S Elliott were granted probate of their father's will in 1962 and by an Assent dated 24 October 1962 assented to the vesting in themselves as trustees of Whitley Manor Farm: it is they who are making the present claim to ownership. The parts they claim are the verges on both sides of the road between the points X and Z, and the verges on the east side of the road between the points Y and Z and between Z and the northern end of the NS strip. Major Elliott said in evidence that for well over 30 years these verges had been tended by his father and the family after his death; the grass had been cut, the trees maintained and the shrubs cleared. He understood that before the last war the then lord of the Manor of West Bramley gave the verges to Major Elliott's father, but the deeds effecting the transaction were lost in the war.



On this evidence I am satisfied that Major D S Elliott and Mr G S Elliott are the owners of the verges they claim; I shall accordingly direct the Surrey County Council, as registration authority, to register them as such owners under section 8(2) of the Act of 1965. The remainder of the Unit land of which there is no owner registered under the Act of 1965 or the Land Registration Acts 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 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

9 January

1984

L. J. Morris Smith
Commons Commissioner