



In the Matter of Land at the Horns and
Grants Lane (part of Staffhurst Wood),
Limpsfield, Tandridge DC

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1-6 in the Rights Section of Register Unit No. CL 375 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objection No. 657 made by Surrey County Council and Objection No. 548 made by D A Young, noted respectively in the Register on 1 August 1972 and 28 March 1972.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 8 May 1981. The hearing was attended by Mr B Cotter, Solicitor, of Surrey County Council, by Mr C T S Belk, Solicitor, appearing on behalf of Mr Young, and by Mrs A Williams, Solicitor, appearing on behalf of Limpsfield Parish Council and of Mr E F Thomas (applicant for registration at Entry No. 2 in the Rights Section), and by Mr N B Knight (applicant for registration at Entry No. 6 in the Rights Section).

The application for registration in the Land Section was made in consequence of an application to register rights, and an application for such registration by Limpsfield Parish Council is also noted. The rights (of grazing and estovers) registered under Entries 2, 3, 4 and 5 are identical in terms and all claimed to be attached to the same property, The Horns. They are self evidently replications of the same right and it was accepted that Entries 3, 4 and 5 should not be confirmed.

The County Council's Objection No. 657 to the registration in the Land Section (and consequentially to the Rights Entries) relates only to strips on the roadside boundaries of the land which are in the nature of road verges. These strips are shown on the plan accompanying the Objection and it was agreed that they should be excluded from the registration, which I confirm modified by this exclusion.

Mr Young's Objection was to Rights Entries Nos. 2 to 6. As regards Entry No. 2 it was agreed that the right to estovers should be modified by limiting it to the requirements of the Horns at the date of registration and so that no timber should be cut without the consent of the owner of the land: subject to this the right should be confirmed. As regards Entry No. 6, it was agreed that the rights of turbary and estovers should be deleted, leaving a right of pasture for 3 cows.

In the result, so far as the Rights Entries are concerned, I refuse to confirm the registrations at Entries Nos. 3, 4 and 5 and I confirm the registrations at Entries Nos. 2 and No. 6 modified as indicated above. There is no express Objection to Entry No. 1 though it is affected by the County Council's limited Objection to the Land registration: that Objection will result in the exclusion of the roadside strips from the land registration, and, subject to this, I confirm the registration at Entry No. 1 in the Rights Section.



-2-

364

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.

12 June

Dated

1981

L. J. Morris Smith

Commons Commissioner