



In the Matter of land at West Hanger
and Coombe Bottom, Shere, Guildford
District, Surrey

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL195 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 372 made by the said Council and noted in the Register on 15 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 27 November 1979. At the hearing Surrey County Council were represented by Mr B Cotter a principal solicitor with the Council.

The land ("the Unit Land") in this Register Unit comprises (1) a narrow strip "the Staple Lane part") about $\frac{1}{2}$ a mile long from north to south being or including Staple Lane and including also a triangular area on the east side of the Lane not far from Stapledown Cottage; and (2) a tract ("the Coombe Bottom part") approximately rectangular about $\frac{1}{3}$ rd of a mile from east to west and about $\frac{1}{4}$ of a mile from north to south. The registration was made on the application of Commons and Open Spaces and Footpath Preservation Society, and there is a note on the Register of an application by Mr Basil Duncan Tims. The grounds of the Objection are:- "That at the time of the registration the land was not common land"; to the Objection is attached a map showing edged red the Staple Lane part inclusive of the said triangular area.

With the reference is a copy of a letter dated 3 June 1971 from the said Society in which they say in effect that they are willing to withdraw their registration as regards the said Objection land understanding that it is part of the highway; and also a copy of a letter dated 8 June 1971 from the County Council to Mr Tims asking if he is similarly agreeable.

At the hearing Mr P Daniels (who was representing the County Council as registration authority) produced an undated letter from Mr Tims received 15 June 1971 in which he said he had no objection to the modification of the registration as proposed in the said County Council letter.

Mr Cotter at the hearing said that it had recently been pointed out by the County Engineer that the Unit Land also includes another highway known as Coombe Lane. Mr Cotter asked that the County Council objection might be enlarged so as to include this highway, and he produced a revised Objection plan which included this highway, thereon coloured pink. I have a letter dated 20 November 1979 from the said Society agreeing, but I have nothing from Mr Tims. At the hearing I said I would treat the Objection as so enlarged provided the County Council gave notice to Mr Tims and he did not respond in some way within two months.

Since at the hearing I received from the County Council a copy of a letter dated 28 November 1979 and sent by them to Mr Tims and a letter dated 23 November 1979 sent to them by Mr Tims (the letters crossed) in which he says he sees no objection to the highways known as Staple Lane and Coombe Lane being excluded from the registration.

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On the above considerations I confirm the registration with the modification that there be removed from the registration first the land edged red on the plan attached to the said Objection and secondly Coombe Lane coloured red on the revised Objection plan produced at the hearing, an uncoloured copy of which is page 2 of this decision, the highways on the original coloured red being on the said copy marked by the letters ABCD ~~M~~ and SE.

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 17th —

day of December — 1979

a a. Baden Fuller

Commons Commissioner

