



In the Matter of Land near Chapel Hill, Chelsham  
Tandridge D.

DECISION

This dispute relates to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Ownership Section of Register Unit No. CL.479 in the Register of Common Land maintained by the Surrey County Council and is occasioned (as to the Land Section) by two objections No. 692 made by Surrey County Council and No. 525 made by London Borough of Croydon, noted in the register respectively on 1 August 1972 and 16 December 1971, and (as to the ownership section) by Objection No. 526 made by London Borough of Croydon, noted in the register on 16 December 1971.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 25 June 1981. The hearing was attended by Mr B E H Cotter, Solicitor of Surrey County Council, and by Mr C T Wilson, Articled Clerk, of Croydon Borough Council.

The registrations in the Land Section and the Ownership section were made on the application of Mr A R Powell. There are no rights of common registered.

The Borough Council and its predecessor have for a number of years had title to the land, registered under the Land Registration Acts. In the absence of any evidence to support the registrations in this register, I refuse to confirm them.

Mr Wilson asked for an order against Mr Powell for his clients' costs. In September 1971 a letter was written to Mr Powell by Croydon Corporation referring to the title registered under the Land Registration Acts and asking Mr Powell to remove his claims to ownership. There was also a statement that an objection would be made to the registration as common land. It does not appear that there was any subsequent communication between the parties, and I was told that Mr Powell moved out of the district some time ago and is believed to have died. In all the circumstances I do not think it appropriate to make the order for costs.

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

13 July

1981

*L. J. Morris Smith*

Commons Commissioner