

In the Matter of land west of Five Acre Wood,
Oxted, Tandridge District, Surrey

DECISION

This reference relates to the question of the ownership of land which is west of Five Acre Wood, Oxted, Tandridge District, which is the land comprised in the Land Section of Register Unit No. CL530 in the Register of Common Land maintained by the Surrey County Council and of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freeholder of the land in question and no 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 6 November 1978. At the hearing Limpsfield Parish Council were represented by Mrs K Percy one of their members, and Oxted Parish Council were represented by Mr A T Sutton their clerk.

This registration was made in consequence of an application by Miss E P Quigly for the registration of two rights of commons (see Rights Section Entry Nos. 1 and 2). As a result of giving effect to Objections, the area of the registered land is now smaller than it originally was.

Mrs Percy said the land is not in Limpsfield. It seems to me that the description of it in the Register and in this decision might perhaps mislead; the registration includes land south-east of and adjoining Caterfield Lane as far south as the Public House, and it may be that it includes part of what is known as Five Acre Wood. Mr Sutton said that the Council had no knowledge of the ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 of the Act 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 this ~~28th~~ 28th day of November 1978.

a. a. Baden Fuller

Commons Commissioner