



In the Matter of Norley Common,
Wonersh, Waverley D

DECISION

These disputes relate to the registrations at Entries Nos. 1, 2 and 3 in the Rights Section of Register Unit No. CL 9 in the Register of Common Land maintained by the Surrey County Council and are occasioned by three Objections: No. 293 and No. 615 made by Hambledon RDC and noted in the Register on 7 October 1970 and 3 July 1972, and No. 404 made by Surrey County Council and noted in the Register on 19 October 1970.

I held a hearing for the purpose of inquiring into the dispute, at Guildford on 5 February 1981. The hearing was attended by Mr R A Hart, representing Waverley District Council (successor to Hambledon RDC): by Mr B E H Cotter, Solicitor, representing Surrey County Council: by Mr and Mrs G P Armstrong, successors in title to H L K Graburn, the applicant for registration at Entry No. 2: and by Mr H House, Solicitor, on behalf of Miss P S Leadham, the applicant for registration at Entry No. 3.

Mr Cotter informed me that Objection No. 404 related only to strips of the Unit land which were claimed by the County Council to be highway or highway verges and that he was not pressing the Objection as the County Council was content to rely on the provisions of Sections 21(2) and 12 of the Commons Registration Act.

Entry No. 1 - a right of grazing, estovers, turbary and pannage - was registered on the application of Mr and Mrs E F Hall and stated to be attached to Pound Land.

I was told that the Halls and their successors in title to that property were not now interested in the matter, and in the absence of evidence to support the right claimed, I refuse to confirm it.

Mr Hart was satisfied that Entry No. 3 should be confirmed and I confirm that registration.

Mr G P Armstrong gave evidence and it was then agreed between him and Mr Hart that the right registered at Entry No. 2 should be confirmed with the modification that the right claimed to graze 12 cows should be modified to a right to graze 2 cows or goats, and I confirm the right modified accordingly.

Mr House asked for an order for costs in favour of his client. It appeared however, that the evidence in support of the registration at No. 3 had not



been seen by the Objectors until shortly before the hearing and in these circumstances I make no order as to 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

23 March

1981

L. J. Morris Smith

Commons Commissioner