



In the Matter of The Common at Lower
Barrinhurst near Cranleigh, Alford,
Waverley D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 183 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 362 made by Surrey County 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 3 February 1981. At the hearing the County Council was represented by Mr D C Rice, Solicitor, and Waverley District Council by Mr R A Hart, Solicitor.

The registration was made on the application of Hambledon RDC, to which Waverley District Council is successor. The land is a strip of land in Lower Barrinhurst, and Mr Hart told me that the District Council has no evidence to support the registration. The strip adjoins the highway and Mr Rice informed me that an Act of Parliament of the 18th century and maps of that period show it as enclosed: at the widest part of the strip there are the remains of a fence on the eastern side indicating a boundary. The County Council contends it is highway: be this as it may, in the absence of evidence to support the registration, I refuse to confirm it.

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