



COMMONS REGISTRATION ACT 1965

Reference No 236/U/23

In the Matter of The Fleck, Milford,
Witley, Waverley District, Surrey

DECISION

This reference relates to the question of the ownership of land known as The Fleck, Milford, Witley, Waverley District being the land comprised in the Land Section of Register Unit No CL. 142 in the Register of Common Land maintained by the Surrey County Council 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 Witley Parish Council claimed that the land in question had been conveyed to it. No other person claimed to be the freehold owner of the land or 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 11 January 1977. At the hearing Witley Parish Council was represented by Mr E Instone their clerk.

The land ("the Unit Land") comprised in this Register Unit is crossed by the road A281 from Milford to Petworth; adjoining on the northeast is Rodborough County Secondary School. Mr Instone in the course of his evidence produced a conveyance dated 7 December 1948 by which M Glennie, D F Glennie and F F F Spicer conveyed to the Parish Council (with other land) the part of the Unit Land (by far the greater part) which is east of the A281 road. He said that the part so conveyed is a wooded area which the Parish Council have maintained and that the part of the Unit Land west of the road (a small triangular piece at a road junction) is now in effect part of the road.

On this evidence I am satisfied that the Parish Council is the owner of all the Unit Land except the said triangular piece, and I shall accordingly direct Surrey County Council as registration authority to register Witley Parish Council as the owner of all the Unit Land except the part west of the middle line of the carriageway of the A281 road from Milford to Petworth. The triangular piece (the remainder of the Unit Land) will remain subject to protection under section 9 of the 1965 Act.

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 14th day of January _____ 1977

C. A. Bowen Fuller

Commons Commissioner

