



In the Matter of The Green, Beddlestead,
Chelsham, Tandridge D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 209 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 445 made by Rookery Estates Co. and noted in the Register on 20 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Dorking on 29 October 1981. The hearing was attended by Mr T Okey, Chairman of and representing Chelsham and Farleigh Parish Council: Mr R A Brett-Holt, Solicitor, appearing on behalf of Mr J P Whelan: and Miss E O Pinfold, Solicitor, appearing on behalf of the trustees of the late Mr H C Wilson-Bennetts.

The registration was made on the application of the Parish Council. Mr Whelan is the owner with registered title under the Land Registration Acts of part of the land comprised in this register Unit ("the Unit land") and as such is the successor in title to the Objector. It appears that Miss Pinfold's clients are the owners of the remaining part of the Unit land.

There are no rights of common registered and Mr Okey told me that the Parish Council was not able to adduce evidence to support the registration. In these circumstances I refuse to confirm the registration.

Mr Brett-Holt asked for an order for costs against the Parish Council. I understood from Mr Okey that the Parish Council had been trying up to the last to get information from the Titsey Estate Office which might enable them to support the registration, but such information was not forthcoming. About a week before the hearing there was a telephone conversation between Mr Brett-Holt and the Clerk to the Parish Council, but there was no intimation that the registration would be withdrawn. In the circumstances I think that Mr Brett-Holt's client is entitled to costs and I shall order the Parish Council to pay the costs incurred by him in respect of these proceedings to be taxed according to Scale 2.

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

16 November

1981.

L. J. Harris Smith

Commons Commissioner