



In the Matter of The Green, Leigh, Mole  
Valley D.

Decision

This reference relates to the question of the ownership of part of the land described above being the part of the land comprised in the Land Section of Register Unit No. VG. 37 in the Register of Town or Village Greens maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference claims to ownership were made by Mole Valley District Council and by Leigh Parish Council.

I held a hearing for the purpose of inquiring into the question of the ownership of the land in question at Guildford on 12 March 1986.

At the hearing the District Council was represented by Mr Harris, Principal Legal Assistant, and the Parish Council by its chairman, Mrs Napier.

A part of VG.317 on the western side of the Green, is registered under the Land Registration Acts, and consequently the ownership of this part is not a matter for my decision. The District Council's claim relates to two small areas lying one to the north-west and the other to the south-west of the part so registered, and in support of this claim Mr Harris produced a Conveyance dated 20 December 1950 by which Sidney H Motion conveyed to the Dorking and Harley Rural District Council a piece of land on the south side of Tapners Road containing some 6.9 acres. This piece of land was delineated *on a plan* and although its boundary in relation to the two small areas is ~~on a plan~~, is not easy to identify precisely. I think the two areas were included in the piece of land conveyed, and that the Mole Valley District Council, which is the successor authority to the Rural District Council, is the owner.

The Parish Council claims ownership of the remaining part of the Green - the part adjoining the north-eastern boundary of the area registered under the Land Registration Acts. It appears that this part was included in land purchased by the Parish Council from the Duke of Norfolk in 1950. Mrs Napier told me that the title deeds cannot now be traced, but she produced a letter dated 25 January 1950 from the Solicitor acting in the purchase, which stated that the purchase from the Duke had been completed. Another firm of solicitors in 1974 examined the title deeds and their account "for examining your deeds to confirm your title" was also produced. In 1972 a right of way over the area was granted by the Parish Council, and there is a letter from the grantee's solicitors which states that "we confirm that the land affected is held in fee simple by the Parish Council"; and in 1978 the Parish Council granted an easement to the Surrey Water Company over part of the western section of the area claimed.



-2-

Mr. Napier told me that the Parish Council maintains the area at a current loss of some £600 per annum.

On the evidence I am satisfied that the Parish Council is the owner of the area it claims. I might add that were I not so satisfied, ownership of the area would nevertheless fall to be vested in the Parish Council under Section 8 (3) of the Act of 1965.

In the result I shall direct the Surrey County Council, as registration authority, to register under section 8 (2) of the Act of 1965 (1) the District Council as owner of the two small areas and (2) the Parish Council as owner of the remainder of the land in question.

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

24<sup>th</sup>

day of

June

1986

*L. J. Morris Smith*

Commons Commissioner