

COMMONS REGISTRATION ACT 1965

Reference No. 236/U/88

In the Matter of Tilburstowhill Common,
Godstone, Tandridge District, Surrey

DECISION

This reference relates to the question of the ownership of land known as Tilburstowhill Common, Godstone, Tandridge District being the part of the land comprised in the Land Section of Register Unit No. CL17 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 Godstone Parish Council claim to be the freehold owner of the land in question and no other person claim to have information as to its ownership.

X I held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 6 November 1978. At the hearing Godstone Parish Council were represented by Mr A G Sutton their clerk.

The land ("the Unit Land") in this Register Unit comprises (according to the Register) 22.201 hectare (54.858 acres) and extends from the Eastbourne Road (A22) on the north to Tilburstow Hill Road on the south-west. The land ("the Referred Land") with which I am concerned, comprises all the Unit Land except two comparatively very small parts: one at the south end and the other south of Enterdent Cottages which are included in registrations at HM Land Registry under the Land Registration Act 1925 to 1966 under Title Nos. SY341951 and SY162430.

Mr Sutton who has been clerk of the Parish Council since about 1960 and lived in Oxted (the adjoining parish) since 1947, in the course of his evidence produced a conveyance dated 8 March 1950 by which Sir Peter McClinton Greenwell with the concurrence of his trustees convey^{ed} to the Parish Council Tilburstowhill Common (being the Referred Land), Newchapel Green and Frogel Hill (other lands) comprise^{ing} 108.512 acres, and the Council thereby declared that they would hold the said property upon trust for the perpetual enjoyment thereof by the public as an open space within the meaning of and for the purposes of the Open Spaces Act 1906.

Mr Sutton described the Referred Land and how it has been and is being used by the public.

On this evidence I am satisfied that the Parish Council are the owners of the Referred Land and I shall accordingly direct the Surrey County Council as registration authority, to register Godstone Parish Council as the owners of the land under section 8(2) of the Act of 1965.

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 28th day of November 1978

a c Baden Fuller

Commons Commissioner