



In the Matter of Village Green, Limpsfield,
Tandridge D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 112 in the Register of Town or Village Greens maintained by the Surrey County Council and is occasioned by Objection No. 587 made by Surrey County Council and noted in the Register on 30 May 1972 and also by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 416 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 24 June 1981. The hearing was attended by Miss E P Quigly, the applicant for the VG registration, by Mr B E H Cotter, Solicitor, of Surrey County Council, and by Mrs A Williams, Solicitor, of Limpsfield Parish Council, the applicant for the CL 416 registration.

Miss Quigly referred to documents and publications in which the piece of land comprised in the VG Register Unit ("the Unit land") was referred to as "the Green" and said that her recollection goes back some 60 years and she remembered children playing on it with hoops. Mrs A H Edwards giving evidence said that in her young days - some 50 or more years ago - children played on it and sat on the grass and there were church parades on the Unit land, and Mr W Edwards said the people used to use a footpath on the land.

Two witnesses were called by Mrs Williams: the first Mr J Braseed, who has lived in a house overlooking the Unit land since 1945, said that the unit land is a rough area not suitable for ball games and he had never known of any organised game taking place on it: the second, Mrs Margaret Smith, who has lived near the Unit land for over 40 years, said that she had never seen organised sports or games or children playing on it.

By a Deed dated 15 July 1950, Mr G C G Leveson-Gower declared that various commons in Limpsfield including Limpsfield Common (itself including the Unit land) should be subject to Section 193 Law of Property Act 1925, and as a result the public has rights of access thereto.

On the evidence I do not find that the Unit land qualified for registration as a village green, as defined in Section 22(1) of the 1965 Act, and I refuse to sanction the registration.

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

27 July

1981

L. J. Morris Smith
Commons Commissioner