



COMMONS REGISTRATION ACT 1965

Reference No 232/U/18

In the Matter of Chantry Green,  
Steyning, Horsham District,  
West Sussex

---

DECISION

This reference relates to the question of the ownership of land known as Chantry Green, Steyning, Horsham District being the land comprised in the Land Section of Register Unit No CL. 276 in the Register of Common Land maintained by the West Sussex 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 no person claimed to be the freehold owner of the land in question and no person claimed 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 Chichester on 13 April 1978. At the hearing Mr R S Forrow and Mrs J B McNeil were represented by Mr R Ogden solicitor of Donne Mileham and Haddock, Solicitors of Shoreham.

The land ("the Unit Land") in this Register Unit is all on the west side of Church Street and on the south side of Chantry Green House, is for the most part grass land surrounded by a post and chain fence and having on it some ornamental trees.

Mr Forrow in the course of his oral evidence, produced: (1) a copy of a conveyance dated 28 September 1976 by which Mr M F Loader and others as personal representatives of Mr G H Recknell (he died 7 July 1975) conveyed to him (Mr Forrow) and Mrs McNeil the land delineated on the plan with the dwelling house Chantry Green House; (2) the contract dated 27 August 1976 leading up to the said conveyance, endorsed on particulars of a sale to be held on 23 October 1976 and having on the cover a photograph of the Unit Land; and (3) a copy of a conveyance dated 29 March 1934 by which Mr J Goring conveyed to Miss E F Prestige the land comprised in the 1976 conveyance (with some other land).

Mr Forrow said:- He had lived in Chantry Green House since his 1976 purchase. He had known it since childhood (having been born in 1938 he remembered back to about 1945), and the Unit Land had always looked like as it is now and as it is shown in the said photograph. After the hearing Donne Mileham and Haddock sent to the Clerk of the Commons Commissioners, an examined copy of the said 1934 and 1976 conveyances, of a conveyance dated 18 December 1934 by Miss E F Prestige to Mr G H Recknell and of the probate of his will.

The plan on the 1934 conveyance includes all the Unit Land except the road or track in front of the house running between the grassland enclosed by the post and chain fence. The 1944 conveyance is by reference to this plan. The plan attached to the 1976 contract shows the grass part of the Unit Land coloured pink in the same way as the rest of the land offered for sale leaving the said road and track uncoloured. The plan on the 1976 conveyance includes the road and track. Donne



Mileham and Haddock with the documents set out above also sent a copy of the conveyance dated 12 August 1970 by which Mr G H Recknell conveyed to West Sussex County Council a strip of land for road improvement. My copy of the Register map is on too small a scale for me certainly to determine whether the Unit Land includes the 1970 strip, but in the absence of any claim by the County Council I assume that it did not. As regards the road or track above mentioned, I consider that I can properly conclude, in accordance with the presumptions of law applicable, that it is in the same ownership as the grass and other lands on either side.

Upon the considerations set out in the preceding paragraph, I am therefore on the evidence summarised above satisfied that Mr Forrow and Mrs McNeil are the owners of all the Unit Land, and I shall accordingly direct the West Sussex County Council as registration authority to register Mr Roger Stanhope Forrow and Mrs Jean Barbara McNeil both of Chantry Green House, Church Street, Steyning 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 15<sup>th</sup> day of May — 1978

*a. a. B. J. F. J. J.*

Commons Commissioner