

COMMONS REGISTRATION ACT 1965



Reference No. 238/D/106-108

In the Matter of Chilgrove Hill, West
Dean, Sussex

DECISION

These disputes relate to the registration at Entry No. 1 in the Land section of Register Unit No. CL 194 in the Register of Common Land maintained by the West Sussex County Council and are occasioned by (i) Objection No. 94 made by E S Bray and I C Ablewhite ("the First Objectors") and noted in the Register on 21 November 1969. (ii) Objection No. 105 made by O C Ottaway and noted in the Register on 20 March 1970. (iii) Objection No. 474 made by the County Surveyor and noted in the Register on 26 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 21 March 1979. The hearing was attended by Mr J H J Bass, Solicitor of the firm of Thomas Eggar & Son, on behalf of the First Objectors, and by Mr R Matthews and Mr C H Youngman, the successor to Mr O C Ottaway as respects the land to which his Objection relates. There were no other appearances.

The County Surveyor's Objection, the ground of which was that part of the land is highway, was withdrawn. Objection No. 94 related to the south-western half (approximately) of the land and Objection No. 105 to the remainder, and in each case the ground of the Objection was that the part of the land concerned was not common land. There are no rights of common registered and there was no evidence available to support the registration on the basis that the land is waste land of a manor. The Objectors were prepared to support their Objections, and in the absence of any evidence to support the registration, I considered that they should succeed.

In these circumstances I refuse to confirm 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 this

6th July

1979

L. J. Morris Smith
Commons Commissioner