

COMMONS REGISTRATION ACT 1965



Reference No. 238/D/101-102

In the Matter of Manorial Waste in
Gandersgate Lane, Kirdford, Sussex

DECISION

These disputes relate to the registration at Entry No. 1 in the Land section of Register Unit No. CL138 in the Register of Common Land maintained by the West Sussex County Council and are occasioned by (1) Objection No. 111 made by the Trustees of the Leconfield Estate and noted in the Register on 18 May 1970. (11) Objection No. 365 made by the County Surveyor and noted in the Register on 6 January 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 P A Burgess the Clerk to Kirdford Parish Council (the applicant for registration), and by Mr A R Dickinson, of the firm of Smiths Gore on behalf of the Trustees of the Leconfield Estate.

Objection No. 365 was withdrawn.

There are four strips of land comprised in the Register Unit and Objection No. 111 related only to the two more westerly strips. There are no rights of common registered and Mr Prescott submitted, in support of the registration, that the two strips are waste land of a manor. He produced a photograph of a tithe map of a wide area of land (including the strips) south-west of Kirdford Village and stated that the accompanying Schedule (which he did not produce) showed that the strips were identifiable in the part of the Schedule headed 'Manorial Wastes and Lanes' to which there was no tithe attached. He also produced a letter dated 11 December 1974 written by a member of the firm of Smiths Gore to the Parish Council which stated, apparently with reference to CL 138, that "it is not disputed that this is likewise manorial waste in the ownership of the Trustees".

Mr Dickinson produced an Agreement dated 21 November 1927 for the letting of Crawford Farm (which is situated to the north-west of the two strips) and adjacent land which included part of the strips and also the draft of a vesting assent, which he said was subsequently executed and which included the whole of the larger and more westerly strip as part of the land therein described as freehold land, not waste land.

The two strips appear from the Register map to form the verges of a lane or track which is a continuation of Gandersgate Lane, and in my view the evidence establishes a prima facie case of their being waste land of a manor, a case which the matters referred to by Mr Dickinson does not displace and in these circumstances I 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

6 July

1979

L. J. Harris Smith

Commons Commissioner