



In the Matter of Oakham Common, Stedham,
West Sussex

DECISION

This reference relates to the question of the ownership of land known as Oakham Common, Stedham, being the land comprised in the Land Section of Register Unit No. CL 142 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 Mrs C M D Forshall on behalf of her children and the Hon. Mrs H D Lakin claimed to be the freehold owners of the land in question and no other 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 7 May 1982 and in London on 19 November 1982.

At the hearing the West Sussex County Council was represented by Mr P J Lucas, Solicitor, and Mrs D Longton by Mr A F Hughes, Solicitor, there were appearances in person by Mrs Forshall and Mrs L Hindley, and I gave leave under regulation 20 of the Commons Commissioners Regulations 1971 for Mrs Lakin to be represented by Mr R Stafford, Chartered Surveyor, and for Mrs C M Wilson to be represented by her son, Mr C J Elston. On 19 November 1982 Mrs Lakin was represented by Mr Thomas Seymour, of Counsel.

The land the subject of the reference consists of two parts. The larger part is marked "Oakham Common" on the Ordnance Survey Map, and the smaller part is a long narrow area to the south-east with its southern boundary at Stanwater Lane. The eastern half of the south-eastern part is known as Wispers Drive.

By a conveyance made 28 August 1957 between (1) Helen Brown (2) The County Council of the Administrative County of West Sussex, there was conveyed to the former West Sussex County Council a property known as Wispers together with all the estate, rights and interests of the vendor in over, under, or upon the piece of waste land known as Wispers Drive. It appears from a conveyance made 25 June 1928 between (1) Jessie Constance Scrimgeour, Annie Esther Russell and Robert Coventry Greig (2) Mary, Duchess of Bedford that Mrs Brown's predecessors in title were lords of the manor of Stedham and that they conveyed their estate, rights and interests as lords of the manor in Wispers Drive. The interest of a lord of a manor in waste land within the manor is prima facie as freeholder.

Having regard to the fact that there is no conflicting claim to the ownership of this land, I am satisfied that the interest conveyed in 1957 was the freehold. This was transferred to the present West Sussex County Council by the Local Authorities (England)(Property etc.) Order 1973 (S.I. 1973 No. 1861).



By a conveyance made 26 April 1954 between (1) Annie Esther Chatterton (2) Peter Hyde Forshall, Mrs Chatterton (formerly Annie Esther Russell) as lady of the manor conveyed to Mr Forshall the whole of Oakwood Common as common or waste of the manor. It appears from the Second Schedule to this conveyance that the vendor derived her title through John Alexander Scrimgeour, whose will was proved on 26 January 1926.

By a conveyance made 29 September 1978 between (1) John Harvie Bird and Constance Mary Diana Forshall (2) Peter Hyde Forshall (3) Daphne Arlene Longton the south-western part of Oakwood Common was conveyed to Mrs Longton.

By a conveyance made 2 November 1978 between (1) Daphne Arlene Longton (2) Peter John Hindley and Linda Hindley there was conveyed all the vendor's estate, right, interest, and title in a small area on the western side of the land the subject of the conveyance of 29 September 1978.

The remainder of Oakwood Common remained vested in Mr Forshall until he died on 20 June 1980. Mr Forshall's will was proved on 20 November 1980 by Mrs Constance Mary Diana Forshall and Mr Richard Michael Moyse, the executors, in whom the land is at present still vested.

By a conveyance made 1 July 1972 between (1) William Wilson (2) Cynthia Monica Wilson the northern part of the land to the west of the land conveyed to the former West Sussex County Council on 28 August 1957 was conveyed to Mrs Wilson. There was a good root of title to this area of land in a conveyance made 21 December 1936 between (1) Jessie Constance Scrimgeour (2) J C Scrimgeour, Annie Ester Chatterton and Robert Coventry Greig (2) Charles Montague Truman.

By a conveyance made 23 January 1963 between (1) Ian Hugh Selwood Hay (2) Derrick Horace Ortman (3) Hon. Helene Daphne Lakin there were conveyed to Mrs Lakin all manorial rights remaining unextinguished, including the right to cut timber, sporting rights, and the right to dig sand and minerals on and over and out of the southern part of the land to the west of the land conveyed to the former West Sussex County Council on 28 August 1957. Mr Seymour did not contend that Mrs Lakin acquired the freehold by this conveyance, but he adduced evidence that Mrs Lakin had acquired a possessory title to the land. In 1965 or thereabouts Mrs Lakin started to clear the land with a view to constructing fences for schooling horses. Tracks for the horses were cut through bracken and brambles and a number of trees were cut down to build the fences. These fences, with various adjustments, have since been maintained, and the land has been used almost daily for schooling horses. In addition Pony Club Trials and British Horse Society Horse Trials have been held on the land with Mrs Lakin's permission. There are now on the land seven permanent and substantially built obstacles for the purposes of these trials. Mrs Lakin's control over the land has never been disputed by anyone. On 10 June 1968 Mrs Lakin executed a deed granting to the Central Electricity Generating Board permission to cut down trees and to erect a pylon and overhead wires, which have been retained without any adverse claim.

On this evidence I am satisfied that the West Sussex County Council, Mrs Wilson, Mrs Longton, Mr and Mrs Hindley, Mrs Forshall and Mr Moyse, and Mrs Lakin are the owners of parts of the land, and I shall accordingly direct the West Sussex County



-3-

Reference No. 238/U/80

413

Council, as registration authority, to register them as the owners of their respective parts 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

23rd

day of

November

1982

Chief Commons Commissioner