



COMMONS REGISTRATION ACT 1965

Reference No 238/U/11

In the Matter of Stedham Common,
Stedham, Chichester District,
West Sussex

DECISION

This reference relates to the question of the ownership of land known as Stedham Common, Stedham, Chichester District being the land comprised in the Land Section of Register Unit No CL. 192 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 Mr John Howard said (letter dated 3 April 1978) that as Lord of the Manor of Stedham he owned the freehold of the Common. No other person claimed to be the freehold owner of the land in question or 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 11 and 13 April 1978. At the hearing: on the first day, Stedham Parish Council were represented by Mr W H Jeans their chairman and Mr John Howard attended in person; and on the second day Holdyne Structures Limited (a subsidiary of Holdyne Limited) were represented by Mr J Lane a member of their staff.

The land ("the Unit Land") comprised in this Register Unit is an area very approximately rectangular about 750 yards long from east to west and about 500 yards wide from north to south; it is divided into two pieces (the southern having about 4 times the area of the north) by the A 272 road from Midhurst to Petersfield.

Mr Jeans said that the Parish Council had never disputed that Mr Howard was the rightful owner of the Unit Land.

Mr Howard in the course of his evidence produced a conveyance dated 12 December 1955 by which Mrs A E Chatterton conveyed to Mrs Roseannie Howard (his mother) the Lordship of the Manor of Stedham "with all rights incidents and other matters appertaining...", and a copy of the probate dated 29 October 1974 of her will (she died 4 December 1973) granted to him as sole executor. He said (in effect):- His mother and he after her had always assumed that as Lord of the Manor they owned the Unit Land and some common land adjoining on the east (Register Unit No CL.12), and this had been accepted in that: by a conveyance dated 28 April 1962 she had conveyed part of the Unit Land to West Sussex County Council for widening the A 272 road (a memorandum of this conveyance is endorsed on the 1955 conveyance); by a deed of grant dated 31 December 1963 (Mr Howard produced a copy) a right had been granted to Mr D K Young over the CL. 12 land; and by a grant dated 8 August 1969 (Mr Howard produced a duplicate) a grant had been made to the Southern Gas Board for an easement for a gas main over the Unit Land.



Mr Jeans said that while not disputing Mr Howard's evidence generally, he thought he should point out that the northern piece of the Unit Land included a freehold inclosure very near the School which was an old timber yard; he thought it contained about $1\frac{1}{2}$ acres and now belonged to Holdyne Limited as successors of the Lintott Brothers. After some discussion in the course of which Mr Howard said he did not claim ownership of this enclosure, it was arranged that either Mr Jeans or Mr Howard would inform Holdyne Limited of these proceedings.

On the second day of the hearing Mr Lane who has for the last 8 years been in the employ of Holdyne Limited as a public relations officer and in various other capacities gave evidence in the course of which he produced: (1) a conveyance dated 9 February 1959 by which Mr G Lintott and Mr W F Lintott timber merchants conveyed to Lintott Brothers (Stedham) Limited first the land coloured pink and brown on the plan annexed and secondly all such rights and title as they had in the land coloured blue on the plan together with saw mills, workshop and buildings erected thereon reserving a right of way over the land coloured brown; (2) a statutory declaration made by Messrs G & W F Lintott on 11 November 1968 and (3) a conveyance dated 15 November 1968 by which Lintott Brothers (Stedham) Limited conveyed to Holdyne Structures Limited the land comprised in the 1959 conveyance in substantially the same words. To the 1968 declaration was exhibited a plan of which page 3 of this decision is an uncoloured copy, the land thereon coloured pink, brown and blue being on page 3 surrounded by a heavy black line marked by me ABCDEFGH; in the declaration Messrs Lintott said that by a conveyance dated 1 November 1948 Annie Elizabeth Chatterton conveyed the said land to them, conveying only such right and title as she might have in the land coloured blue (being a comparatively small strip along and within the northwest boundary) and that they and Lintott Brothers (Stedham) Limited after them had been in possession of all the land coloured pink, brown and blue. The plan on the 1959 conveyance is so far as now relevant the same as (although less detailed than) that exhibited to the 1968 declaration.

Mr Lane said (in effect):- His company were using the pink and blue land for their construction business making shuttering (moulding for concrete) making no distinction between the pink and blue land; it is all fenced in; there used to be a right of way along and within the west side but arrangements had recently been made for it being replaced by a way outside.

On the evidence summarised above, I am satisfied that Holdyne Structures Limited are the owners of the ABCDEFGH land, and that Mr Howard is the owner of the remainder, and I shall accordingly pursuant to section 8(2) of the 1965 Act direct West Sussex County Council as registration authority to register Holdyne Structures Limited of Station Yard, Sutton Scotney, near Winchester, Hampshire as owners of the part of the land comprised in this Register Unit which is delineated ABCDEFGH on the plan being page 3 of this decision, and to register Mr John Howard of Capo di Monte, Windmill Hill, London NW3 6RJ as the owner of the remainder of the said land.

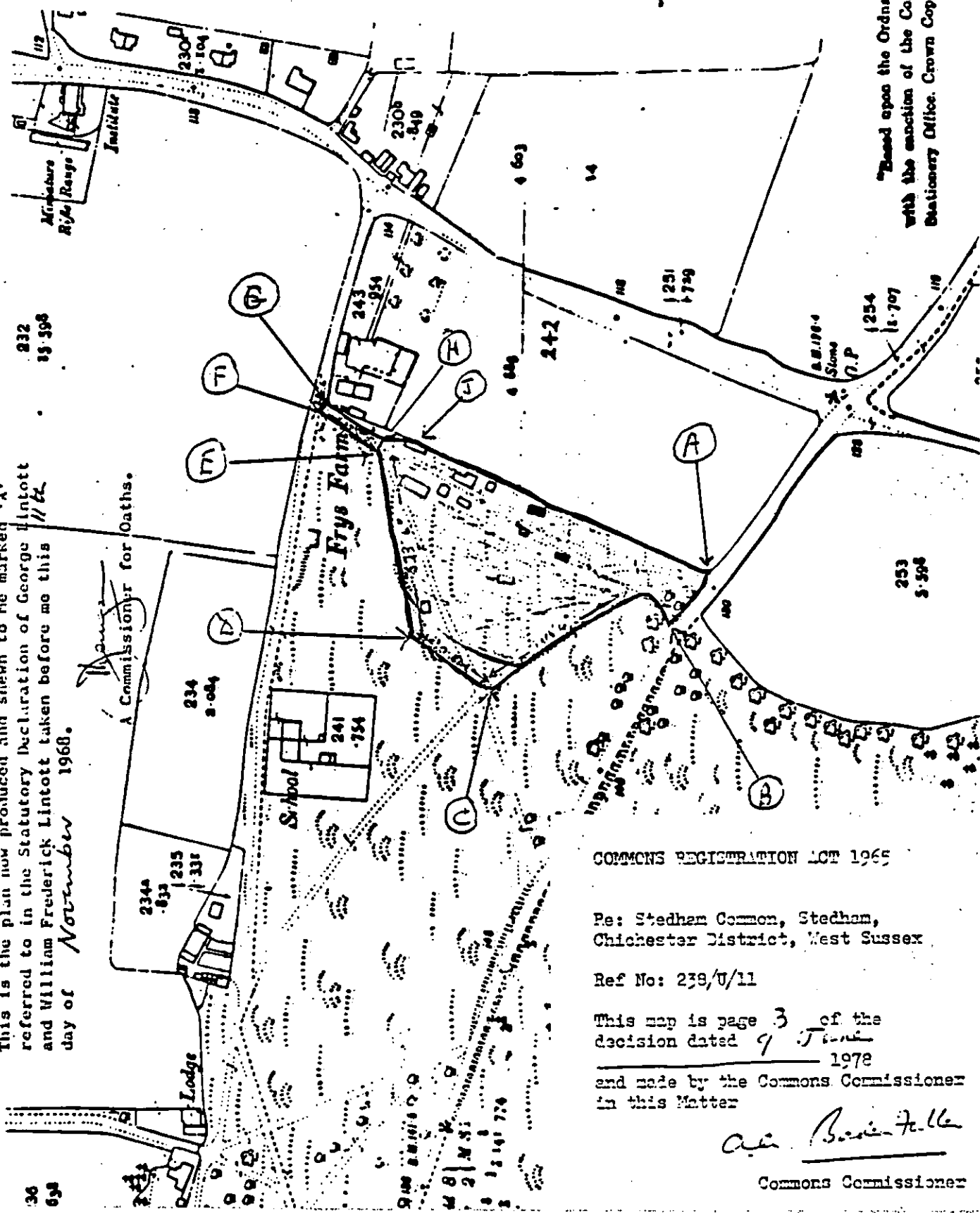
I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 9th day of June 1978

Alan Bowen F.C.I.
Commons Commissioner

This is the plan now produced and shown to me marked 'A' referred to in the Statutory Declaration of George Lintott and William Frederick Lintott taken before me this day of November 1968.

[Signature]
A Commissioner for Oaths.



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This map is page 3 of the decision dated 9 June 1972

and made by the Commons Commissioner in this Matter

[Signature]

Commons Commissioner