



COMMONS REGISTRATION ACT 1965

Reference No.38/U/40

In the Matter of The Public Pond, Cootham,
Storrington, West Sussex (No.2).

DECISION

This reference relates to the question of the ownership of land known as The Public Pond, Cootham, Storrington, being the land comprised in the Land Section of Register Unit No.CL 215 in the Register of Common Land maintained by the former 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 one claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 10th January 1973.

There was no appearance at the hearing and Mr Commissioner Baden Fuller was not satisfied that any person was the owner of the land.

After Mr Commissioner Baden Fuller had given his decision he granted an application by the Storrington Parish Council to set aside his decision and re-open the hearing.

I re-opened the hearing at Chichester on 19th June 1975 under reg.29 of the Commons Commissioners Regulations 1971.

At the re-opened hearing Mr S.L.C.Hadwell, solicitor, appeared for the Storrington Parish Council.

The land the subject of the reference was appointed as a public pond or watering place by the Storrington Inclosure Award made 22nd May 1858 under the Annual Inclosure Act 1850. Although the Award imposed an obligation to cleanse and repair the pond on the owners of a piece of land allotted to the then lord and lady of the manor, there was no allotment of the soil to anyone, so that it would have remained in the ownership of the then lord and lady of the manor. There is, however, no evidence as to the present ownership of the lordship of the manor.

I was shown a letter dated 30th April 1969 addressed to the solicitors acting for the Parish Council by Mr J.L.Webster in which he stated: "I confirm that according to my clients' title deeds they are the owners of the pond itself". An enquiry of Mr Webster by the Clerk of the Commons Commissioners elicited a reply from Mr Webster's partner, Mr J.P.Roche, dated 12th August 1975, in which he stated that his clients (still unnamed) were the owners of



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this land, but had always been prepared to disclaim their title, provided that the new owner agreed to undertake the maintenance of the area. Mr Roche concluded his letter by stating: "I confirm that my clients have no objection at all to the land becoming vested in the Local Authority". Having regard to this statement, I do not feel that it is incumbent on me to press Mr Roche to produce evidence as to his clients' ownership. I am therefore left with no evidence upon which I could be satisfied that Mr Roche's unidentified clients are the owners of this land. Since there is no evidence as to its ownership by any other person, I can only say that I am not satisfied that any person is the owner, and the land will therefore remain subject to protection under section 9 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 ~~24th~~ day of October 1975

Chief Commons Commissioner