



COMMONS REGISTRATION ACT 1965

Reference No.38/U/39

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

DECISION

This reference relates to the question of the ownership of land known as The Public Pond, Storrington, being the land comprised in the Land Section of Register Unit No.CL 214 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 had, however, been no apparent action on the part of anyone claiming to be the owner of the pond for many years when in 1960 the then Clerk of the Parish Council made enquiries of various persons, including the gentleman whom he believed to be the lord of the manor, as to whether any of them claimed to be the owner. These enquiries elicited only negative replies, so a public notice was posted on the land stating that it was the intention of the Parish Council on 1st April 1960 or as soon as possible thereafter to enter upon the land and fence it off and/or lay it out or otherwise improve it with a view to assuming control of it and thereby exercising powers of ownership thereover. Copies of this notice were sent



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to adjoining owners and published in the local and national Press.

The notice produced no reaction, so the Parish Council entered on the land with the intention of taking possession adversely to the owner. The Council has remained in possession ever since and has paid for the execution of substantial works on the land, including the construction of a retaining wall on the south side of the pond. The Council's possession has never been challenged.

It appears to me on this evidence that the Council has now acquired a possessory title to the land and I shall accordingly direct the West Sussex County Council, as registration authority, to register the Parish Council as the owner 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 7th day of July 1975

A handwritten signature in black ink, appearing to read 'C. J. [unclear]', written in a cursive style.

Chief Commons Commissioner