



COMMONS REGISTRATION ACT 1965

Reference No 238/D/35

In the Matter of Trusslers Heath
(or Smithbrook Common), Lodsworth,
Chichester District, West Sussex

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 63 in the Register of Common Land maintained by the West Sussex County Council and is occasioned by Objection No 456 made by the County Surveyor and noted in the Register on 1 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 11 April 1978. At the hearing (1) West Sussex County Council were represented by Mr A Sherriff assistant solicitor in their Secretary's Department; (2) Lodsworth Parish Council (on whose application the registration was made) were represented by Mr J W S Corbett their clerk; (3) Mr F C Holdstock (an application by him in respect of part of the land comprised in this Register Unit is noted in the said Land Section) attended in person; and (4) The Cowdray Trust Limited and The Dickinson Trust Limited (they are in the Ownership Section registered as owners of the greater part of the land) were represented by Mr R D Stafford chartered surveyor, assistant agent in the office of the Cowdray Estate.

The grounds of the Objection are that part of the land registered (being the land coloured pink on the accompanying plan) is under the direct control of the Highway Authority under the terms of a dedication by the owner and is therefore part of the adjoining highway. Those present or represented at the hearing as above stated being all agreeable, I confirm the registration with the modification that the land so coloured pink be removed from the Register.

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 18th day of April ——— 1978

a. a. Boden Fuller

Commons Commissioner