

From: Hugh Craddock [REDACTED]
Sent: 11 February 2022 11:23
To: Catherine Valiant [REDACTED]
Subject: RE: App 1883 Application to deregister common land at Rangers Cottage, Peaslake

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Hi Catherine

Thank you for your e-mail this morning with reference to application 1883.

We do wish to respond to the applicants' reply.

Our objection to the application was on the basis that it was made under para.6 of Sch.2 to the 2006 Act, but contained no evidence as to whether the application land were curtilage of a building (plainly, the land is not covered by a building), and has been curtilage since the date of provisional registration. Indeed, so far as we are aware, the date of provisional registration has not been disclosed by the applicants or by the council (other than being referred to as '1968').

It remains the case that there still is no evidence as to the history of this land between the date of provisional registration and the date of application, and why it might be considered to be curtilage of the building. As such, the society is in an impossible position: it cannot review nor criticise evidence which does not exist. It is not for the society to put forward evidence showing that the land was not curtilage between these dates — the initial obligation is on the applicant to put forward evidence that shows that it was. But there is none. The applicants state that:

We made clear in our application that our house was built over 300 years ago, and was obviously in existence at the time of provisional registration in 1968.

We do not dispute what is said. But the application land is not covered by the house. It is alleged to be curtilage of the house, but as to whether it is curtilage, and was curtilage between the relevant dates, we have no submissions. A good place to start would be maps showing the land at the time of provisional registration, as well as photographs showing the application land then and now.

We also note that, in their reply, the applicants state that they are:

not altogether convinced that the respondents demonstrate a bona fide interest in our land or provide sufficient grounds to establish locus standi in this matter.

The applicants misunderstand the process. The application must be determined not on the merits of whether the land should or should not be registered common land, but on whether the statutory tests in para.7 are satisfied.

We await receipt of evidence which relates to those tests, and an opportunity to comment on it.

regards

Hugh

*Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA*

Email [REDACTED]

www.oss.org.uk

Tel [REDACTED]

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From: Bob Milton [REDACTED]
Sent: 11 February 2022 17:36
To: Catherine Valiant [REDACTED]
Cc: clerk2009@shereparishcouncil.gov.uk; Shere Parish Council <clerk@shereparishcouncil.gov.uk>
Subject: RE: App 1883 Application to deregister common land at Rangers Cottage, Peaslake

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Catherine

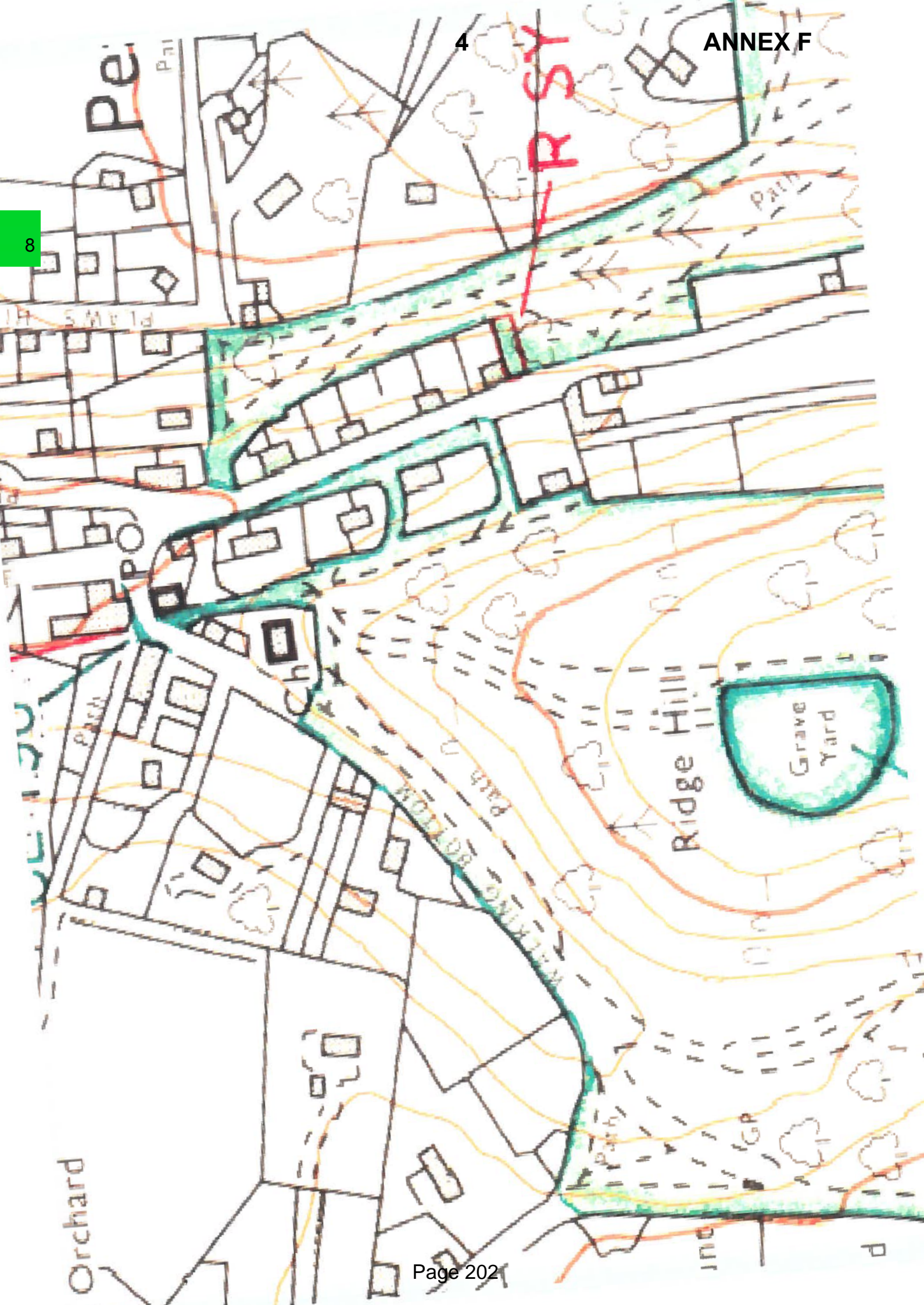
It would help if the applicant provided a copy of the sale details of the cottage which encompass the deeds of the Shere Manor estate and the Tithe map, Inclosure Award and map and the 1919 Finance Act map so that some of the claims by the applicant can be verified and clarified.

A point to consider relating to prescription is the time required in relation to land that is common land or manorial waste and that is was illegal to drive on such land since 1925 [LPA]. It is obvious to me that the land they seek to enclose into garden curtilage is registered common and it seems that public access to the common is already obstructed including to Walking Bottom and the Grave Yard CL347. The fact that the Land registry show they own it is not relevant to its use as s193 public recreation land [see attached common land register map]. No revocation to the deed has ever been made by the Lord of the Manor so it was sold with the deed in place. No mistake having been made. It looks like there has already been encroachment on the registered common in and around Rangers Cottage when compared to the land register plan.

The width of the common being sought to be enclosed [northside of Rangers Cottage] is 12ft according to SCC own records and on the south is 30ft boundary to boundary and no definitive rights of way are recorded on the SCC record

Over the common land on the north or south side of Ranger Cottage. This land is therefore lawfully accessible by both pedestrians and equestrians.

Yours sincerely
Bob Milton



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