

COMMONS ACT 2006 – SECTION 22: Schedule 2(6)
Notice of an application to deregister a building or curtilage of a building wrongly registered as common land

Application has been made to Surrey County Council, as Commons Registration Authority, by CA Collins and RPH Turner under Section 22: Schedule 2(6) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application seeks to rectify the register of common land relating to CL 435 by the removal of the land described in the Schedule below, which, it is claimed, on the date of the provisional registration, 24 September 1968, was covered by a building or was within the curtilage of a building.

If the application is granted, in whole or in part, the registration authority will remove the land from the register of common land.

Any person wishing to object to the application should send a statement of the facts on which the objection is based to The Commons Registration Office, Surrey County Council, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN or email: commons.villagegreens@surreycc.gov.uk quoting reference App 1876 on or before 13 September 2016.

Any representations received by the Authority cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties. Representations must include the name and postal address of the person making them and the nature of that persons interest, must be signed by the person making the representation and must state the grounds on which they are made.

Dated: 2 August 2016

Signed: Ann Charlton (on behalf of the registration authority)

Description of the land concerned: The Hallams, Littleford Lane, Blackheath, Guildford

The application, which includes a plan of the land proposed for deregistration, may be inspected at the Commons Registration Section, Surrey County Council, County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN during office hours by appointment. Please telephone 020 8541 9122.

Copies of the documents may also be inspected at Bramley Community Library, High Street, Bramley GU5 0HG.

Commons Act 2006: Schedule 2**Application to correct non-registration or mistaken registration****This section is for office use only**

Official stamp

<p>COMMONS ACT 2006 SURREY COUNTY COUNCIL REGISTRATION AUTHORITY 17 May 2016</p>
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Application number

1876

Register unit number
allocated at registration
(for missed commons
only)

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Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

Note 1

*Insert name
of commons
registration
authority.*

1. Commons Registration Authority

To the: **SURREY COUNTY COUNCIL**

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

☒

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

☐

Note 2

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This box should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

2. Name and address of the applicant

Name: CAROL ANNE COLLINS & RICHARD PHILIP HOSKIN

Postal address: TURNER

THE HALLAMS
LITTLEFORD LANE
BLACKHEATH
GUILDFORD

Postcode GU4 8QZ

Telephone number:

Fax number:

E-mail address:

3. Name and address of representative, if any

Name: HEIDI COPLAND

Firm: DMH STALLARD LLP

Postal address:

GAINSBOROUGH HOUSE
PEGLER WAY
CRAWLEY

Postcode RH11 7FZ

Telephone number:

01293 663518

Fax number:

01293 663520

E-mail address:

HEIDI.COPLAND@DMHSTALLARD.COM

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

4. Basis of application for correction and qualifying criteria

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

To register land as common land (paragraph 2): ☐

To register land as a town or village green (paragraph 3): ☐

To register waste land of a manor as common land (paragraph 4): ☐

To deregister common land as a town or village green (paragraph 5): ☐

To deregister a building wrongly registered as common land (paragraph 6): ☒

To deregister any other land wrongly registered as common land (paragraph 7): ☐

To deregister a building wrongly registered as town or village green (paragraph 8): ☐

To deregister any other land wrongly registered as town or village green (paragraph 9): ☐

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)): ☐

The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)): ☐

The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)): ☐

Please specify the register unit number(s) (if any) to which this application relates:

CL435.

Note 5

Explain why the land should be registered or, as the case may be, deregistered.

5. Description of the reason for applying to correct the register:

PLEASE SEE ATTACHED COVERING LETTER IN SUPPORT OF APPLICATION AND SUPPORTING ANNEXE.

Note 6

You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.

Note 7

This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.

If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.

6. Description of land

Name by which the land is usually known:

THE HALLAMS, LITTLEFORD LANE.

Location:

BLACKHEATH, GUILDFORD, SURREY.
GRID REF. TQ 0374 4540.

Tick the box to confirm that you have attached an Ordnance map of the land:

**7. Declarations of consent**

THE APPLICANTS ARE THE LANDOWNERS.

Note 8

List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

8. Supporting documentation

1. OS MAP.
2. LETTER IN SUPPORT OF APPLICATION.
3. CGMS ASSESSMENT OF LISTED BUILDING CURTILAGE.
4. LAND REGISTRY TITLES: - SY390135 .
- SY729446 .
- SY503275 .
5. OVERLAY PLAN.
6. CONVEYANCE DATED 13.02.1978 .
7. COPY APPLICATION FOR DEREGISTRATION OF A COMMON BY MRS C. PIKE DATED 01.07.1968 .
8. COPY REGISTER OF COMMON LAND - CL435.
9. COPY APPLICATION TO AMEND REGISTER BY L&J LIMITED DATED 15.06.2006 .

<p>Note 9 List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.</p>	<p>9. Any other information relating to the application</p> <div style="border: 1px solid black; padding: 10px; min-height: 200px;"> <p>PLEASE SEE ATTACHED COVERING LETTER IN SUPPORT OF THE APPLICATION.</p> </div>
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<p>Note 10 The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.</p>	<p>10. Signature</p> <p>Date: <input type="text" value="11 / 5 / 16"/></p> <p>Signatures: <input type="text" value="[Redacted Signature]"/></p> <p><input type="text" value="[Redacted Signature]"/></p>
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REMINDER TO APPLICANT

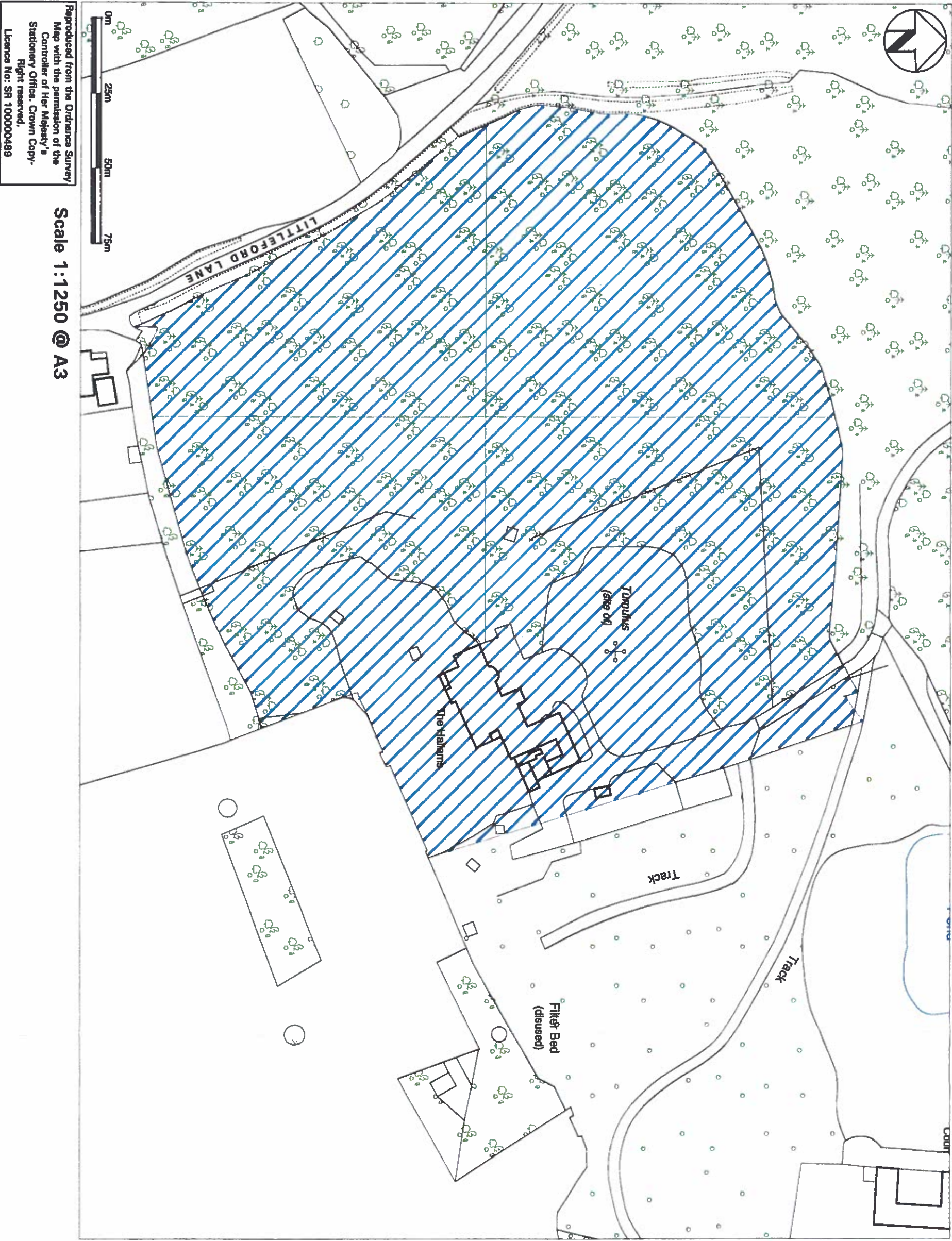
You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

You are advised to keep a copy of the application and all associated documentation.

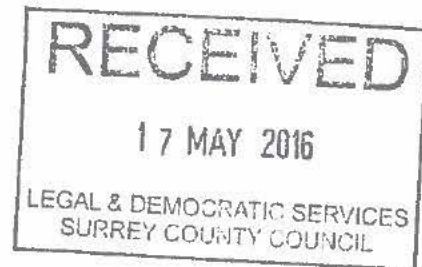
Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.



FAO: Helen Gilbert
Commons Registration Officer
Surrey County Council
Commons Registration Section
County Hall, Penrhyn Road
Kingston upon Thames KT1 2DN



And by email: commons.villagegreens@surreycc.gov.uk

Date 16 May 2016
Your ref CL435
Our ref A13/297874-1

Dear Sirs

Application to deregister certain land registered as common land pursuant to paragraph 6 of Schedule 2 of the Commons Act 2006
The Hallams, Littleford Lane, Blackheath, Guildford GU4 8QZ (CL435)

We act for Mr Richard Turner and Mrs Carol Collins, the freehold owners of The Hallams and the applicants of the enclosed application for deregistration of The Hallams as common land.

Background

The Hallams was provisionally registered as common land on 24 September 1968 pursuant to an application dated 1 July 1968 made by Mrs Catherine Proven Pike. The right of common was stated to be "pasture for 2 cows, 2 horses and 40 heads of poultry. Right of pannage for 2 pigs, together with the right of estovers over the whole of the land." That provisional registration was not disputed and became final on 1 August 1972.

It would appear that The Hallams (along with a number of other properties which have already been removed from the register of common land – CL431, CL432, CL433, CL434 and CL436) had been mistakenly included in Mrs Pike's application and on 13 February 1978. Mrs Pike entered into a conveyance with the then landowners of The Hallams by which she agreed that the right of common stated above would be extinguished. A copy of the conveyance is enclosed.

On 15 June 2006, the then landowners of The Hallams (L&J Limited) made an application to amend the register of common land pursuant to section 13 of the

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Commons Registration Act 1965. The application was successful in amending the register so as to extinguish and remove the right of common. However, after this, the Commons Act 2006 came partly into force and revoked the relevant part of the Commons Registration Act 1965. This means that L&J Limited were not able to remove The Hallams from the register of common land fully.

The Application

Our clients' application is made pursuant to paragraph 6 of Schedule 2 of the Commons Act 2006, which states:

Buildings registered as common land

6

- (1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.*
- (2) This paragraph applies to land where—*
 - (a) the land was provisionally registered as common land under section 4 of the 1965 Act;*
 - (b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;*
 - (c) the provisional registration became final; and*
 - (d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.*
- (3) A commons registration authority may only remove land under sub-paragraph (1) acting on—*
 - (a) the application of any person made before such date as regulations may specify; or*
 - (b) a proposal made and published by the authority before such date as regulations may specify.*

It is clear from the Register of Common Land (CL435) that paragraphs 6(2)(a) and (c) have been satisfied.

In support of paragraphs 6(2)(b) and (d), we enclose the Assessment of Listed Building Curtilage of The Hallams by historic buildings consultants, RPS CgMs. The assessment confirms that the land owned by our clients and registered within unit CL435 has been a building and its curtilage from and since the date of its provisional registration in 1968.

For convenience, we enclose an overlay plan demonstrating the curtilage of The Hallams edged red and the extent of the common land edged green as well as a plan showing the land subject to this application hatched blue. We also enclose copies of our clients' registered title to The Hallams.

Given Mrs Pike's mistake in including The Hallams within her application in the first instance it is considered that clients also have sufficient grounds to make an application under paragraph 7 of Schedule 2 of the Commons Act 2006 which relates to land wrongly registered as common land. However, the RPS CgMs report is clear in its conclusions as to the fact that the land registered in this case at the time of registration and today is land covered by a building and within the curtilage of that building.

Based on the documents provided in support of this application, we respectfully request that the Council removes The Hallams from the Register of Common Land.

We enclose a cheque for £1,000 representing the application fee. We would be grateful if you could confirm safe receipt.

Please do not hesitate to contact us should you require any further information and we look forward to hearing from you.

Yours faithfully



DMH Stallard LLP

