

Rangers Cottage,  
Ewhurst Road,  
Peaslake,  
Guildford,  
Surrey GU5 9RW

25<sup>th</sup> November 2019

Surrey County Council  
Commons Registration Section,  
County Hall  
Penrhyn Road  
Kingston upon Thames, KT1 2DN

Dear Sirs,

**RANGERS COTTAGE:**

**Title Number SY849295; OS map reference TQ0844NE; CL Reference 196**

**Provisional Commons Registration 10/4/68; Final Commons Registration 13/9/72**

**Application to correct mistaken registration: Schedule 2 paragraph 6 Commons Act 2006**

We enclose completed Form CA13 together with supporting documents and our cheque for £1,000 in respect of in your fee in connection with our application to correct the mistaken registration of part of our land as common land. Please note Rangers Cottage is over 300 years old.

We are the owners of the narrow strip of land/path to our northern boundary hatched blue on the enclosed official copy of title plan, and also the owners of the wide strip of common land to our southern boundary over which the public footpath runs: the distance between them is the width of our garden. The path to our northern boundary is not a public footpath and there is no evidence of any path on the official copy of title plan or in the records held by Guildford Borough Council, presumably because the path was only ever intended to serve as a private garden path for our property. The path immediately abuts our building to one side and our boundary fence to the other, and is clearly therefore covered by the curtilage of the building. It is integral to the functioning of our property, and indeed essential as it provides the only access to the front door of our end cottage which is located to the north end of the building. However, it appears to have been mistakenly included with the Hurtwood as common land on provisional registration of the Hurtwood on the 10<sup>th</sup> April 1968 which became final on the 13<sup>th</sup> September 1972.

The immediate proximity of the path to the building and its open access as common land makes it almost impossible for us to secure our home from intruders. It is a serious security risk which prevents the quiet enjoyment of our home, and we have now twice been burgled where access was gained from this path. This was very distressing for our family and particularly so for our daughter who lives in the end cottage with her husband and their baby, who now feels unsafe in her own home.

It is evident from the official copy of title plan enclosed that the path is unnecessary for access to the Hurtwood because of the wide public footpath which runs over our land just metres away that provides unrestricted access to the Hurtwood. The path is therefore an anomaly and we believe it was mistakenly included with the Hurtwood as common land in the "first flush" of provisional registrations, and we request that this mistake is corrected by its removal from the Commons Register.

Rangers Cottage was derelict when we bought it 19 years ago, and the path was buried under brambles and saplings and virtually impassable and had clearly not been used on a regular basis for quite some time. We eventually managed to clear the path but cordoned it off almost 20 months ago because of extensive ongoing remedial work to the crumbling stonework of our end cottage. Shere Parish Council has now raised this as an issue, and we enclose for your information a copy of their letter to us dated 7<sup>th</sup> November 2019 and our reply date 18<sup>th</sup> November 2019.

We look forward to hearing from you.

Yours faithfully,



C. Andreas



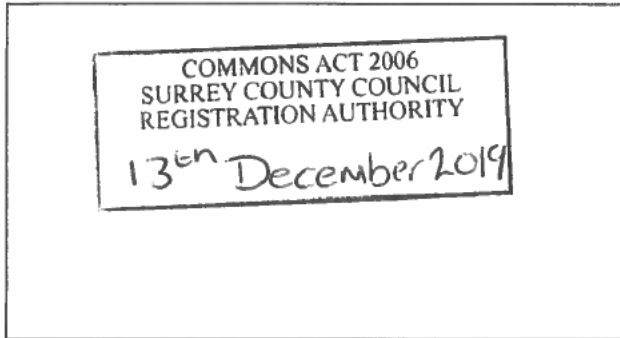
L.F. Andreas

## Commons Act 2006: Schedule 2

# Application to correct non-registration or mistaken registration

This section is for office use only

Official stamp



Application number

1883

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

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:

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.

**2. Name and address of the applicant**

Name:

Mr Christos Andreas and Mrs Linda Fleur Andreas

Postal address:

Rangers Cottage, Ewhurst Road  
Peaslake  
Guildford  
Surrey

Postcode GU5 9RW

Telephone number:

Fax number:

E-mail address:

**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.

**3. Name and address of representative, if any**

Name:

Firm:

Postal address:

Postcode

Telephone number:

Fax number:

E-mail address:

**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:

CL 196

Title Number SY849295

**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:**

The land which is the subject of this application is part of the curtilage of our building and we believe it was mistakenly registered as common land.

**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:

Rangers Cottage, Ewhurst Road  
Peaslake  
Guildford  
Surrey GU5 9RW

Location:

Peaslake, GU5 9RW

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

**7. Declarations of consent**

The Applicants are the registered owners of the land

**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. Land Registry Official Copy of Registered Title SY849295
2. One "clean" copy of Ordinance Survey map, reference TQ0844NE
3. One copy of Ordinance Survey map TQ0844NE hatched blue



**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.

**9. Any other information relating to the application**

1. Letter from Shere Parish Council dated 7/11/19
2. Applicants' letter to Shere Parish Council dated 18/11/19
3. Applicants' letter to Surrey County Council dated 25/11/19 accompanying this Application

**Note 10**

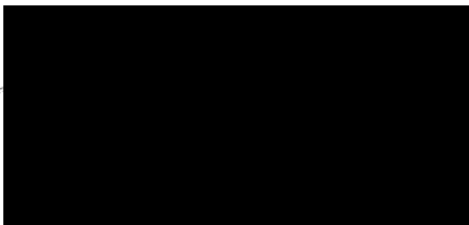
The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.

**10. Signature**

Date:

25th November 2019

Signatures:

**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**

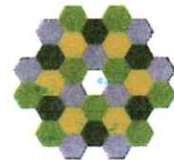
*The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies,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



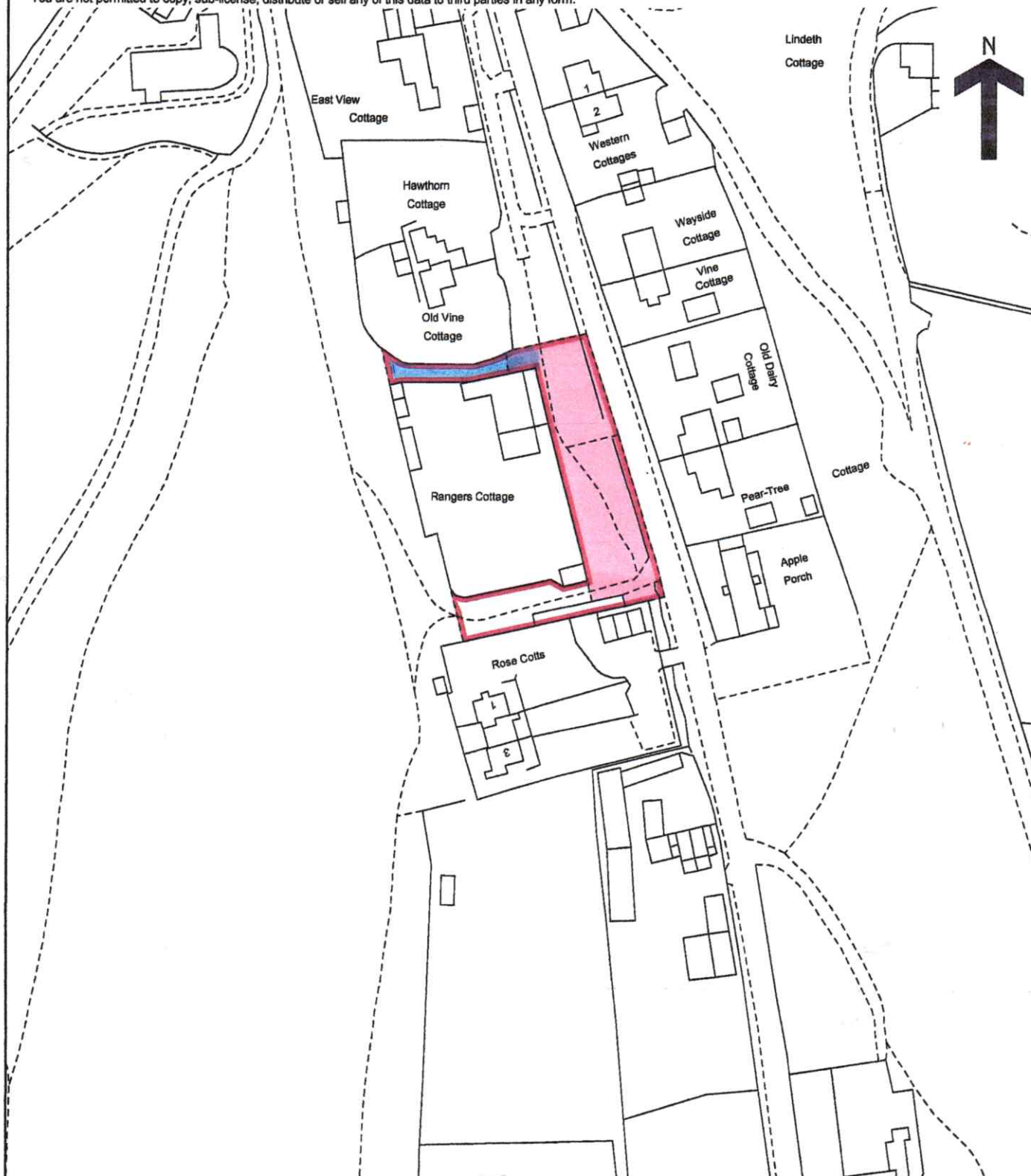
# HM Land Registry Official copy of title plan

Title number **SY849295**  
Ordnance Survey map reference **TQ0844NE**  
Scale **1:1250** enlarged from 1:2500  
Administrative area **Surrey: Guildford**



© Crown copyright and database rights 2018 Ordnance Survey 100026316.

You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



**This official copy issued on 6 February 2018 shows the state of this title plan on 6 February 2018 at 17:31:13.**

It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale.

Measurements scaled from this plan may not match measurements between the same points on the ground.

**This title is dealt with by HM Land Registry, Durham Office.**



## SHERE PARISH COUNCIL

*Serving the villages of Gomshall,  
Holmbury St. Mary, Peaslake, Shere  
and a large part of Abinger Hammer*

██████████  
Parish Clerk/Finance Officer  
Telephone: 01483 203431  
clerk@shereparishcouncil.gov.uk  
www.shereparishcouncil.gov.uk

Tanyard Hall  
30 Station Road  
Gomshall  
Guildford  
Surrey  
GU5 9LF

Mr & Mrs Andreas  
Rangers Cottage  
Ewhurst Road  
Peaslake  
GU5 9RW

7<sup>th</sup> November 2019

Dear Mr & Mrs Andreas,

I am writing to you today as the Council has been made aware that a footpath adjacent you your cottage has been blocked and access is no longer available to the Hurtwood. Rangers Cottage is surrounded by registered common land and as common land there is a right to roam and any barriers on common land are illegal.

The Council would be very grateful if you could remove the barrier and re-establish access for parishioners' quiet enjoyment of the land.

If you would like to discuss the issue any further or have any questions, please don't hesitate to contact me.

Yours sincerely

██████████  
Parish Clerk  
01483 203431

Rangers Cottage,  
Ewhurst Road,  
Peaslake, Guildford,  
Surrey  
GU5 9RW

18<sup>th</sup> November 2019

Ms S. Hoyland, Parish Clerk  
Shere Parish Council  
Tanyard Hall  
30 Station Road  
Gomshall  
Guildford GU5 9LF

Dear Ms Hoyland,

I refer to your letter dated 7<sup>th</sup> November.

We wish to point out the following. The path to our northern boundary and also the parallel public footpath to our southern boundary are both part of our property, and the distance between them is the width of our garden i.e. about 25 metres. The path to our northern boundary is not a public footpath and Guildford Borough Council has no record of this path, which is not really surprising as it is integral to our property for providing access to the front door of our end cottage and probably originally intended to serve as a private garden path.

The public footpath over our land is just metres away from the path and provides open, unrestricted access to the Hurtwood. When we purchased the land we spent weeks of sustained effort and hundreds of pounds removing the eyesore of twisted corrugated metal sheets, wire, glass, and other detritus from the public footpath. This jumbled mess of an abandoned building which had once housed the Arrows' business had been there for decades, and no effort had been made to clear it up despite the fact that it was on a public footpath. It was a hazard to all who used the footpath and to their dogs, including those very parishioners you say we have deprived of the "quiet enjoyment" of the Hurtwood. We value open access to the Hurtwood as much as anyone, and have continued to allow the Friends of the Hurtwood free use of the tractor shed on our land in order to assist the ranger Mark Beaumont in his task of maintaining the Hurtwood. It is therefore rather galling that we should now be accused of blocking access to the Hurtwood.

The path to our northern boundary has been little used over the 19 years that we have been at Rangers Cottage because of the public footpath just metres away. The path is entirely unnecessary for access to the Hurtwood and has a practical value only to our property. If it has indeed been registered as common land then this is clearly an anomaly which needs to be rectified, and we will make an appropriate application to amend the Register should this prove necessary. The path has proved to be a serious security risk for our family and we have now twice been burgled where access was gained from the path. This was a very distressing experience for us all, particularly for our daughter who lives in our end cottage with her husband and baby and now feels unsafe in her own home.

We had always understood that the status of the path was that of a "permissive path", which is consistent with the fact that the Bray Estate many years ago permitted the erection of the existing gate at the top of the path. We continued to allow the use of the path after it was incorporated into our title but closed it more than 18 months ago because of ongoing remedial work to the stonework of our property, which was crumbling and dangerous to passersby. The "barrier" you

8 speak of is in fact just a short section of unattached wire fencing intended to warn people not to enter because of the potential danger. We have not had any complaints about this and indeed have received support for the closure of the path following our burglaries. It is therefore baffling to understand why the council should have become so exercised about the path more than 18 months after it was closed. We are willing to remove the "barrier" pending our application to amend the Register, on the parish council's undertaking to assume responsibility for any harm which might be caused to users of the path.

On another matter we do not appear to have received the ground rent due from the parish council under your lease, and would be grateful if you would please check your records and kindly settle any amounts which may be outstanding at your earliest convenience.

Yours sincerely,

C. Andreas