

Dear Countryside Access Team

Thank you for notice of application 1883, made under para.6 of Sch.2 to the Commons Act 2006, in relation to the passage to the north of Ranger's Cottage, Peaslake. The society has no legal interest in the application land.

We regret that the application and supporting information contains no evidence bearing on the key questions in para.6(2)(b) and (d), as to whether:

on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;

...

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.

In the absence of such evidence, it is impossible to grant the application. We therefore object to it, and it should be refused. We should be pleased to consider any further evidence which may be submitted by the applicant.

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]

Please note that I work mornings only

(Registered in England and Wales, limited company number 7846516

Registered charity number 1144840)

Support our Grant a Green Appeal

*and help fund our campaign to protect open space
through voluntary registration as town or village green*



The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

From: [REDACTED]
Subject: FW: Application to deregister land wrongly registered as Common (CL196), Rangers Cottage Peaslake
Date: 20 July 2021 12:11:11
Attachments: [Rangers cottage peaslake.pdf](#)
[App1883 Notice.doc](#)
[App 1883 plan.pdf](#)

Dear Catherine

I am surprised at the application as the common land is part of the The Hurtwood and even though it is only shown on MAGIC as registered common it is subject to a Law of Property Act 1925 s193 Deed of Dedication signed on 1926 which allows equestrian and pedestrian access. This status would remain even if the land has been sold, for which no evidence has been given, so the registration cannot have been incorrect and any fences or obstructions are unlawful.

THE HURTWOOD <https://foth.co.uk/welcome/>

History of Public access

Access to the Hurtwood has a long history. Since medieval times the Hurtwood has been 'common land' owned by local Lords of the Manor; this meant it was used in common by tenants for specific purposes such as cutting wood or turf or grazing sheep. The poor soil meant that it had limited use as productive arable, pasture and meadow land.

This worked for centuries, but by the early 1920s the combustion engine had brought large numbers of people into the countryside, leaving a trail of destruction and fires. And increasing numbers of gypsies came to live in the Hurtwood, leading to local disputes. It was a picture seen over England, and Parliament responded with the 1925 Law of Property Act.

The Act regulated public access to common land and prohibited cars and motor bikes except in authorised places, but also provided that land so restricted could be given rights of public access by the owners.

The visionary and energetic R.A (Reggie) Bray, Lord of the Manor of Shere, was one of the first to take advantage of these provisions. On 13 October 1926 Reggie Bray signed a Deed of Dedication giving the public access to the Hurtwood and the 'right to roam', 'for air and exercise' and for the purpose of 'quiet enjoyment'. A similar deed was signed by the Duke of Northumberland.

The management of public access to the Hurtwood was originally undertaken by the "Hurtwood Control" under the direction of the landowners. In the '60's the Hurtwood Control was given charity status and with this independence from landowner control was given extended responsibilities including raising funds to protect the environment of the Hurtwood, maintaining free car parks and generally maintaining the Hurtwood fit for public access. The charity is now called Friends of the Hurtwood.

From: [REDACTED]
To: [Catherine Valiant](#)
Subject: Re: Application to deregister land wrongly registered as Common (CL196), Rangers Cottage Peaslake
Date: 20 July 2021 09:09:48

Catherine

It looks to me as if the villagers have access to the common using paths either side of the property on land that is currently access land.

One of these access routes should be preserved as Access Land so there rights are not significantly reduced.

Regards

Andrew Bowden

Surrey Ramblers Access Officer.



SHERE PARISH COUNCIL

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

Suzanne Hoyland
Clerk & RFO
Telephone: 01483 203431
Clerk@ShereParishCouncil.gov.uk
www.ShereParishCouncil.gov.uk

Tanyard Hall
30 Station Road
Gomshall
Guildford
Surrey
GU5 9LF

COMMONS ACT 2006 – SECTION 22: Schedule 2(6)

Re. Notice of an application to deregister a building or curtilage of a building wrongly registered as common land.

Reference App1883

Statement of Facts from Shere Parish Council

Shere Parish Council has two interests in this application: firstly, as the parish council responsible for the parish in which the land lies and secondly as the leaseholder of part of the land (outlined/shown in red on the application plan) that forms the plot from which the application land is also drawn.

Without a detailed map it is assumed that the application land, which we take to be that shown in blue on the map, does not overlap with the area leased by the parish council, but is another part of the same plot which the applicants have purchased within the last 10 years. The application land does however give access from the land which the council leases to the main body of the Hurtwood Common that lies to the west of Peaslake.

The parish council bases its position on the notice as received and is not aware of any supporting evidence provided by the applicants.

Essentially, the parish council considers that the land shown in blue has been part of the waste of the Shere Manor Estates and its predecessors (inter alia the manor of Gomshall Towerhill) for many centuries and that there is no reason to believe that the land has ever been enclosed. As such it was quite properly registered under the Commons Registration Act 1965 and thus is subject to public access under the CROW Act 2000.

The very fact that the land has been purchased by the applicants separately from the curtilage of Rangers Cottage is overwhelming evidence that it does not form part of the curtilage of Rangers Cottage and is itself sufficient to dismiss the application.

The land is shown on OS 6" maps dating from 1873 (surveyed 1871) as being unenclosed. There is no likelihood that within the historic past the land was enclosed prior to this and then the enclosure was removed.

Whilst the reasons for it may be a matter for speculation, the existence of gaps between domestic enclosures, such as this and the one on the south side of Rangers Cottage is a settlement pattern that occurs elsewhere in the parish, as in Holmbury St. Mary, where six such gaps can be identified dating from the 19th c. The presence of gaps between curtilages, rather than continuous development, can be seen as a normal arrangement rather than anomalous in this area.

The council therefore considers that the evidence is that the application land was correctly registered as common land and that the application to de-register it is unfounded.

There is reference in the application to a building on the common land. It is not clear to the council what this building is so the council is unable to comment on an evidential basis, however, we note that if a building has at some stage been constructed on common land illegally this might best be addressed by a "land swap" releasing part of the existing curtilage of Rangers Cottage to become common land.

DocuSigned by:


6th September 2021

Clerk & Responsible Financial Officer

Signed of behalf of Shere Parish Council

This page is intentionally left blank