

## Commons Act 2006: section 19

**Application to correct the register****This section is for office use only**

Official stamp

Application number

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

- All applicants should complete boxes 1–8.
- Any person can apply under section 19 of the Commons Act 2006.
- You will be required to pay a fee unless your application is to correct a mistake made by the registration authority (section 19(2)(a)) or to remove a duplicate entry (section 19(2)(c)). Ask the registration authority for details. You would have to pay a separate fee should your application be referred to the Planning Inspectorate, unless it is to correct a mistake made by the authority or to remove a duplicate entry.

**Note 1**

*Insert name of commons registration authority.*

**1. Commons Registration Authority**

To the: Hampshire County Council

Tick one of the following boxes to confirm that you have:

enclosed the appropriate fee for this application:

or

applied for a purpose in section 19(2)(a) or (c), so no fee is 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:

Maureen Comber

Postal address:

The Old Cottage,  
Frith End,  
BORDON,  
Hants

Postcode GU35 0QS

Telephone number:

01420 472318

Fax number:

N/A

E-mail address:

m.comber@btinternet.com

**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 11 to the Commons Registration (England) Regulations 2014.

**4. Basis of application for registration and qualifying criteria**

Specify the register unit number to which this application relates:

CL 147 Broxhead Common, Headley, Hants

Specify the rights number to which this application relates (if relevant):

All

Tick one of the following boxes to indicate the purpose (described in section 19(2)) of your application. Are you applying to:

- Correct a mistake made by the commons registration authority:
- Correct any other eligible mistake:
- Remove a duplicate entry from the register:
- Update the details of any name or address referred to in an entry:
- Record accretion or diluvion:

**Note 5**

Explain why the register should be amended and how you think it should be amended.

**5. Describe the purpose for applying to correct the register and the amendment sought**

Hcc has removed 80 acres from the Register without consent of the Secretary of State

In 1963 complaints from the local community to Hampshire County Council (HCC) were made with regard to the unauthorised fencing of 80 acres of Broxhead Common. The Open Spaces Committee resolved to deal with the problem by way of sec.194 LPA 1925, to secure the removal of the unlawful fences.

Despite much unrest and application by the Broxhead Commoners Association at the time of the Commons Registration Act 1965, this great injustice has continued.

1. It has deprived the public of their rights of Access to the 80 acres of common land and to the only site of historic importance of an ancient burial mound.
2. It has deprived the Commoners of Broxhead of their Rights of Common.
3. It has particularly deprived access by horse riders, who had access to at least 25 tracks across the common which were obstructed by the illegal fencing.

The 80 acres should be restored to the Register of Common Land from which it has been removed by HCC. The Rights of the Commoners should be restored

Access by the neighbourhood, which they have been deprived of for over 50 years, should be restored immediately.

The said owner Mr Peter Whitfield, should be subjected to full disclosure for his claim of ownership as a 15 year route of title is insufficient for claimed ownership of common land. He did not register the common until 2002 having bought a property adjoining the common in 1970.

## Note 6

List all supporting consents, documents and maps accompanying the application, including evidence of the mistake in the register. 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.

## 6. Supporting documentation

I have not attached the final Land & Rights Decisions of the CCC as I assume you will have a copy. Likewise the judgement of Brightman J, 1977 High Court.

1. 1964 Copy of Minutes of HCC Open Spaces Committee.
2. 1977 Objections to the fencing from Headley and Kingsley Parish Councils'
3. 1979, May, Letter Clerk of the Commons Commissioners to Whitehill Parish Council
4. 1979 Letter from County Secretary to Mr Nicholson, a commoner.
5. 1974 Bradley Trimmer, Solicitor to Mrs Nicholson, commoner
7. 1975 Appeal by AGP Whitfield to the 'said land'.

I have very many documents in relation to this case i.e. Minutes, BCA correspondence, etc.

Please ask for any further required.

## Note 7

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.

## 7. Any other information relating to the application

1964, 8th December, Minutes of HCC Open Spaces Committee record resolution to act under s.194 LPA 1925 to remove the unauthorised fences around 80 acres of Broxhead Common.  
1974, 25 April, a Hearing is held in London before the CCC with regard to the Registration of Land & Rights on Broxhead Common.

1974, 22nd November the Final Decision of the CCC.

1975, 22nd July, Notice of Appeal by AGP Whitfield to this decision.

1977 23rd March, Hearing in the High Court by Brightman J. Page 6 of his Judgement states: "The CCC found as a fact that there was a right of common of pasture over the whole of the common attached to each of the tenements, whether customary, freehold, copyhold or leasehold, mentioned in the survey of the unpartitioned manor in 1636." Page 7 continues, "There are no sufficient grounds for challenging the findings of the CCC, that in ancient days the manorial enjoyed rights of common both before and after partition. There is in my judgement plenty of documentary evidence to justify that finding of fact." The CCC's decision was therefore confirmed.

1978, 24th May, The matter went to the Court of Appeal where it was dismissed. The Consent Order confirmed again the CCC's decision. The Final Determination states "the registration became final on 24th May 1978, with exclusion of the land edged red on the plan (note singular) marked GDS1 & GDS2." These were the initials of George Squibb, CCC. The areas referred to were small areas in his Land decision where he also states. "The land to be excluded has been indicated on A PLAN (again singular) prepared by the County Council." The Schedule of agreement between the parties, which is not itself an operative part of the Order, states that any application for the retention of the fencing around the 80 acres will be supported by HCC. SUCH APPLICATION HAS NEVER BEEN MADE.

Nevertheless HCC did nothing with regard to the retained fencing despite much local protest and over the course of the years, nine PI's.

These were for claims for bridleways on the common as the illegal fencing had obstructed 23 paths used by horse riders. Even though HCC rent the remaining 100 acres of common land, it has been allowed to deteriorate to the extent that it is not possible to ride on it.

In addition existing bridleways have been gated even though they are outside the curtilage of the 80 acres. The gates are an obstruction and should never have been permitted on public bridleways which cross the common land outside the fences.

<p><b>Note 8</b> <i>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.</i></p>	<p><b>8. Signature</b></p> <p>Date: <input data-bbox="582 212 1484 280" type="text" value="6th July, 2017"/></p> <p>Signatures: <input data-bbox="582 324 1484 582" type="text" value="Maureen C Comber&lt;br/&gt;Hon Sec. Broxhead Commoners Association (BCA)"/></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***

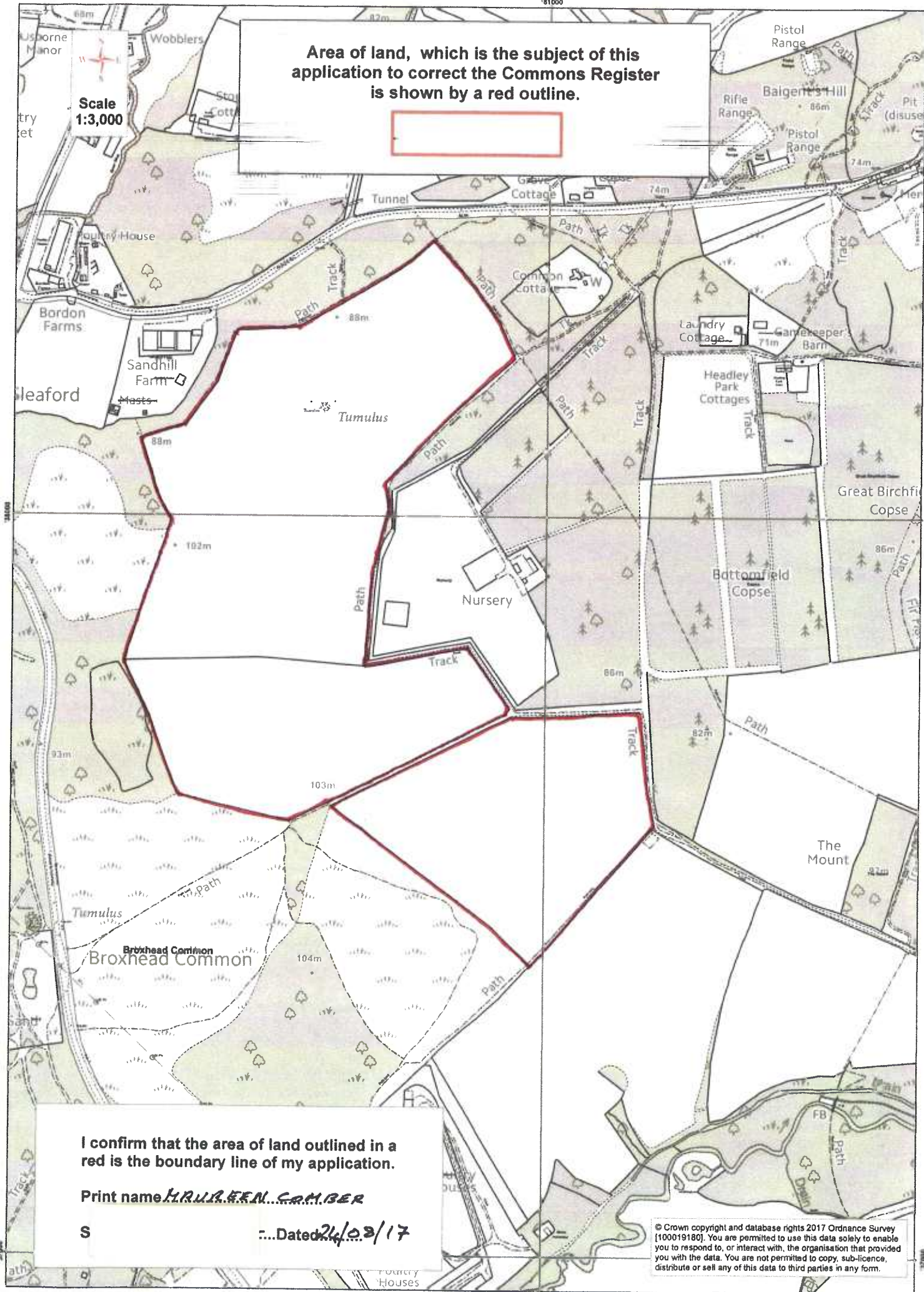
*The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies,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

Area of land, which is the subject of this application to correct the Commons Register is shown by a red outline.



Scale 1:3,000



I confirm that the area of land outlined in a red is the boundary line of my application.

Print name MURREEN CAMBER

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Dated 24/03/17

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Supporting information supplied by Mrs M Comber for her application to 'correct a mistake on the Commons Register' - Application 01/17.

'You are required to state clearly what mistake you consider has been made in the 'register of common land'.'

- 80 acres of Broxhead Common CL147 was unlawfully fenced in 1963.
- No application or retrospective application has ever been made to the Secretary of State for the retention of the fencing.
- Therefore the 80 acres has mistakenly been removed from the register of common land.

'You will need to state the 'number of the register unit' so far as it is relevant to the mistake or other matter in the register in respect of which the application seeks correction.'

Approximately 100 acres of Broxhead Common CL147, to the east of the Sleaford/Lindford road, has been let to Hampshire County Council

by a lease dated 5th March 1980, from Anthony Gary Peter Whitfield, who claimed ownership of the 'said land'. The Broxhead Commoner's

had not agreed to such leasing. They could never understand why the fencing had been allowed to remain.

' You need to provide a 'description of the amendment sought in the register of common land'

The amendment sought in the register, is

1. The removal of the unlawful fencing,
2. The return of the rights of the commoners of Broxhead to the fenced area.
3. Access by the public to that part of the 'said land' presently enclosed by the unauthorised fencing.
4. Full disclosure of such documentary evidence as Mr Whitfield may have upon which to support his claim of ownership to the 'said land'. The Land Registry seems to have relied on a Statutory Declaration by Mr Whitfield's estate manager, Michael Royden Porter dated 6th December 2001. This contains statements which are clearly false. However more than once this document states " Neither I nor Mr Whitfield hold any deeds or documents relating to the Common including the Blue Land,.....".

Received by email on 22 September 2017 from Mrs M Comber. Applicant.