

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Strategic Manager (Access and Wellbeing)
Title	Application to register 80 Acres, Headley, as common land Commons Registration Act 1965

Contact name: Harry Goodchild – Definitive Map Team Manager

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1. The decision:

- 1.1. The County Council has received a letter from the legal representatives of Mrs Maureen Comber ('the Applicant'), seeking the addition of an area of land known as 'the 80 acres' to the register of common land (see location map) on the grounds that it was manorial waste. The letter asserts that the County Council can make this amendment under the provisions of the Commons Registration Act 1965. The majority of the 1965 Act was repealed via the passing of the Commons Act 2006.
- 1.2. The County Council has taken legal advice on the validity of the Applicant's submissions and has also provided the majority landowner the opportunity to respond. Having had regard to this, it is considered that there is no lawful basis for the application to be accepted.
- 1.3. The framework for the decision is set out in the accompanying Decision Report, which considers the arguments submitted in support of the application and considers relevant case law. Having taken all of this into account, it is recommended that the application is refused.

2. Reason(s) for the decision:

- 2.1. Officers agree with the Applicant's summary of the history of the 80 Acres, as well as their analysis of successive court decisions (*In re Box Hill and Millburn*) which had a bearing on the interpretation of manorial waste.
- 2.2. However, in order for the application to be granted, it must be established that it can be lawfully made (given that the Applicant seeks to make it under legislation that has long been repealed), and it must then be demonstrated that the 80 Acres were in fact manorial waste and therefore fall within the scope of the relevant case law (*Millburn*).
- 2.3. Having had regard to the above issues, and having sought independent legal advice, officers are of the view that the 80 Acres are not manorial waste, either

as a matter of law or a matter of fact, and that in any event, there is no statutory basis under which the application can be made or accepted under the 1965 Act.

3. Other options considered and rejected:

3.1. None.

4. Supporting information:

4.1. Decision Report

Location Map

Appendix 1 - Application

Appendix 2 – Objections and Appendices on behalf of the landowner

Approved by:

Date: 03/03/2025

Jonathan Woods – Countryside Strategic Manager

On behalf of the Director of Universal Services

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
File: Broxhead Common, 1965 Act Application	Countryside Access Team Universal Services The Castle Winchester SO23 8UD

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment: N/A

2. Impact on Crime and Disorder: N/A

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption? **N/A**

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer-term impacts? **N/A**