

# Broxhead Common row erupts again

THE Battle of Broxhead Common is about to resume after 50 years of simmering discontent.

The issue began 50 years ago, when people protested about the fencing of 80 acres of the common, on its eastern side, by Sefton Myers.

The fencing is still there and is still a bone of contention for the Broxhead Commoners Association, which, after several legal battles, is trying once again open up the east side of the common.

Association secretary Maureen Comber, a well-known horse woman and campaigner against the closure of public and bridal paths, is unhappy the 80 acres were fenced and wants to take the issue to the High Court to decide.

She said: "In 1847 it states, in the land registry, that Broxhead Common has no known owner

"It is a mystery how, in 1962, Sefton Myres could buy the eastern side of the common, fencing off 80 acres, from the then owner of Headley Wood Farm Patricia Barnard. Her first husband's family, the McAndrews, had lived at the farm since 1906."

It was unfortunate, she said, that the family, in selling the land, did not make it clear to Mr Myres that it had always been an open public common.

It is only the east side of the common that the association is concerned about.

In early 1900s the secretary of state for war had bought the western half as an appendage to Bordon Camp. As a result 10 commoners, worried about the loss of grazing, set out to establish their rights by taking away bracken and turf for fuel and some took their cows on to graze. The War Department did not contest the right of the commoners to excise their ancient rights over Broxhead Common.

To get the same rights on the eastern side of the common, the matter was looked into by the Commons Preservation Society of which Headley Parish Council became a member.

Hampshire County Council advised the best way to prove the land was common

**By Sheila Checkley**

But Mrs Comber told the *Bordon Herald* she believed the matter has never been put to the secretary of state.

She now at the county council was going to register the 80 acres as common land.

At present, she will not say what action the association is planning although, she said, "probably have to go back to the High Court to resolve this."

She added: "However, we would need a sponsor to help to help us with legal costs."

"Also, I would like to hear from all Broxhead commoners and they can contact me on m.comber@btinternet.com."

A county council spokesman said: "The area (80 acres) adjoins Broxhead Common and is not owned by the council

"In its role as the Commons Registration Authority, Hampshire County Council was instructed, by way of a High Court decision in the 1970s, not to register 80 acres as common land and, as a result, not to obstruct the owner in fencing the area."

After hearing of the action proposed by the association, Simon Porter, spokesman for Peter Whittled, said: "The only comment we can make at this stage is to say the section of land Mrs Comber is referring to was registered as 'extinct' as common land in the 1960s and has since been an integral part of the Headley Wood farming business, providing grazing land for both sheep and cattle.

"As is well documented, Broxhead is a Site of Spec-

ial Scientific Interest.

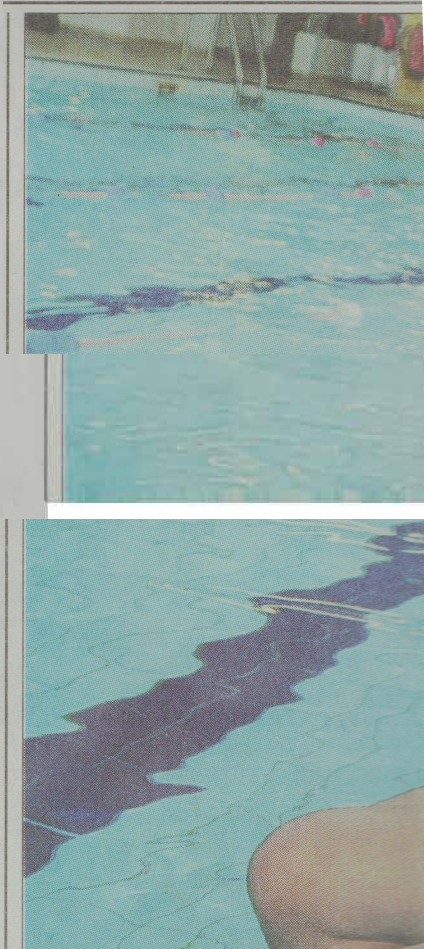
"It would be a great shame if that precious balance of bio diversity was destroyed by a small group of people merely wanting an extension to the network of bridleways already in existence on Broxhead.

"It almost seems that Mrs Comber has some sort of grievance against the current owner of the Headley Wood Estate, especially in the light of the nine separate application proposals she has issued to the estate - via East Hampshire District Council's rights-of-way department - for the opening of non-existent bridleways right across Headley Wood Farm. One of which would, if allowed, pass directly in front of the owner's sitting room window.

"I know that back in the late 1960s and 1970s, Mrs Comber would ride her horse wherever she liked as the then farm manager, my father Michael Porter, was forever asking her to go back onto the public rights of way which was his job to protect for, not only the farming business, but also as a wildlife habitat.

"There seems to be a notion that once a right of way, always a right of way but if one were to study ancient maps, they would show tracks and paths that linked communities, dwellings and markets all across the country - many of which are currently closed due to evolution and development.

"Is the proposal, therefore, to ask villagers, private-land owners and town councils to demolish commercial dwellings, commercial properties and infrastructure based on the fact that, once our ancestors roamed freely across what is now a rose bed? I don't think so."



Phil Adams with Neene Piper.

## Swimming charity i

AFTER he had a replacement hip and knee, Phil Adams, from Lindford, decided he ought to do some exercise and took up swimming - which was to prove very useful.

Mr Adams completed a mile at Bordon's Mill Chase Leisure Centre on Saturday to raise money for Cancer Research in memory of his

## Rare rabbit R stolen from gar

A RARE and valuable breed of rabbit has been stolen by thieves in Whitehill.

Between 9pm on Sunday, June 2, and 6.30am the following day, the rare giant rabbit was taken from a back garden in Roxburghe Close.



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into by the Commons Preservation Society of which Headley Parish Council became a member.

Hampshire County Council advised the best way to prove the land was common land was to find commoners who had rights to it.

As a result, in 1968 Headley Mill owner John Ellis formed the Broxhead Commoners Association, and Broxhead Common was provisionally registered under the 1965 Commons Registration Act.

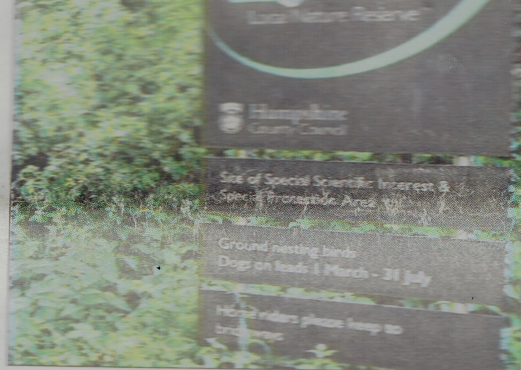
In 1970 Mr Myers sold the eastern side of the common to the present owner Peter Whittled.

Meanwhile, the association began its search for people who had commoners' rights on the east side of Broxhead Common and two people were found.

The commoners' fight to register the land reached the High Court twice before finally ending in the Court of Appeal in 1978. It seemed, at one time, it would reach the House of Lords. However, Hampshire County Council agreed a deal with Mr Whittled to enable it to rent 100 acres of the common for nature conservation and use by the public for "air and exercise".

It would also pay a peppercorn rent for five acres for playing fields for Lindford.

In return, the county council would support the landowner in any application to the secretary of state to keep the 80 acres fenced.



Broxhead Common.

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