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ESTATE OFFICE
HEADLEY WOOD FARM
HEADLEY
BORDON
HANTS
GU35 8SG

HEADLEY DOWN (0428) 713018

F.A.O. Sarah Walters

Committee Division
Chief Executive's Dept.
Hampshire County Council
The Castle,
Winchester.
SO23 8US

7th January 2002

CL 147
letter of 7.1.02
not received.
This copy handed
in by Mr Potter
on 5 February 2002

Dear Mrs Walters.

Countryside + Rights of Way Act 2000
Broshead Common.

Further to your telephone conversation with
Mr A.G.P. Whitfield, the owner of Headley Wood Estate,
regarding the registration of open land under the
above Act.

I thought it might be helpful if I clarified
the up to date situation on the part of Broshead
Common included in this estate.

Part of the Common was enclosed many
years ago and after hearings before the Commons
Commissioner in 1975 a final decision on the status
of the enclosed land was given by the Court of
Appeal in May 1978 when the Hampshire County
Council were instructed to exclude the enclosed land
from the Commons Register. See Para 3 of the enclosed
copy of the decision.

You will see that at the same hearing

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Mr Whitfield was required to lease to the County Council the remainder of the Common and the NCC now manage it as a Nature Reserve with access to the public.

I also enclose a map of this estate clearly showing the area leased to the County Council which is the only area we consider should be termed open land.

I hope this is helpful but if you require any further information please do not hesitate to contact me.

Yours sincerely

MR PORTER

M.R. PORTER. Estate Manager.

(C)



IN THE COURT OF APPEAL 1975 W 3423

WEDNESDAY the 24th day of MAY 1978

IN THE MATTER of BROYHEAD COMMON HAMPSHIRE

MR WILSON

and

REGISTRAR

IN THE MATTER of THE COMMONS REGISTRATION ACT 1965

Folio 52A

NR 43

WHEREAS on 2nd September 1977 Anthony Gary

Peter Whitfield the Appellant by Case Stated from the Decision dated 22nd November 1974 of the Chief

Commons Commissioner and pursuant to Originating

Motion dated 22nd July 1975 served on Ernest

Alexander Connell and Fiona Rosemary Diana Cooke

(two of the respondents to the said Originating Motion

in the Court below) Notice of Appeal from so much

of the Order of the Court below dated 24th March

1977 as Ordered upon the said Appeal by Case Stated

that the said Decision dated 22nd November 1974 be

affirmed except so far as relates to the registration

of the Respondent Fiona Rosemary Diana Cooke being

entry Number 12 in the Rights Section of Register

Unit Number CL147 in the Register of Common Land

maintained by Hampshire County Council (which

registration by the said Order was discharged) that

the said Order be reversed in relation to the

registration of the Respondent Ernest Alexander

Connell and that all necessary or consequential

directions be made and further and in any event that

the said Order insofar as it dealt with costs be set

aside

AND WHEREAS the said Appellant Anthony Gary



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Peter Whitfield subsequently set the said Appeal down for hearing in the Chancery Final List of Appeals

AND the said Appeal appearing in the Paper for hearing before this Court this day accordingly

AND UPON HEARING Counsel for the Appellant and for the Respondents Ernest Alexander Connell and Fiona Rosemary Diana Cooke

AND the Hampshire County Council (a further one ^{of} the Respondents to the said Originating Motion in the Court below) by their Counsel attending before this Court this day and requesting that they be made Respondents to the said Appeal now before this Court jointly with the existing Respondents Ernest Alexander Connell and Fiona Rosemary Diana Cooke

AND the Appellant and the existing Respondents by their Counsel consenting to the next following provision of this Order

THIS COURT DOETH pursuant to Order 59 rule 8 of the Rules of the Supreme Court ORDER that the Appellant do forthwith serve the said Notice of Appeal from the said Order dated 24th March 1977 additionally on the Hampshire County Council and that they do forthwith accordingly this day become Respondents to the said Appeal jointly with the said existing Respondents

AND UPON READING the said Order dated 24th March 1977

AND the Appellant Anthony Gary Peter Whitfield

with no Order save that each party bear their own costs

3 Upon the release by the Respondent Ernest Alexander Connell of all his rights over the area amounting to approximately 80 acres of land at present enclosed by fences upon the part of the common owned by the said Anthony Gary Peter Whitfield (such release to be effected by a separate Deed of Release made between the said Ernest Alexander Connell and the said Anthony Gary Peter Whitfield upon the terms agreed between them) the said County Council shall not pursue its provisional registration of the said area as common land and the Respondents jointly and severally consent to the amendment or withdrawal by the said County Council of its provisional registration pending before the Commons Commissioner of the said area so as to exclude all reference to the said area on the Commons Register and shall further consent to and support any Application by the said Anthony Gary Peter Whitfield or his successors in title to the Secretary of State regarding the said fences under Section 194 of the Law of Property Act 1925

4 The balance of the part of the Common owned by the said Anthony Gary Peter Whitfield amounting to approximately 100 acres of land shall be let by the said Anthony Gary Peter Whitfield to the said County Council for the term of 20 years from the date of the foregoing Order at the rent of £200 per annum for



the first 5 years with upwards-only reviews at intervals of 5 10 and 15 years. Such letting shall provide inter alia for the management of the said land by the said County Council in such a way as to conserve its scientific and landscape qualities while permitting reasonable access for the said Anthony Gary Peter Whitfield and his successors in title and for the public without prejudice to the confirmation of the registration of the said 100 acres as common land.

5 Each of the parties shall bear their own costs occasioned by this Appeal without prejudice to the Order made by the Court below with respect to the costs of the proceedings in that Court.

hsw

SL
Examined
and
Approved

IN THE COURT OF APPEAL

24th MAY 1978

Re. BROXHEAD COMMON HAMPSHIRE

Re THE COMMONS REGISTRATION
ACT 1965

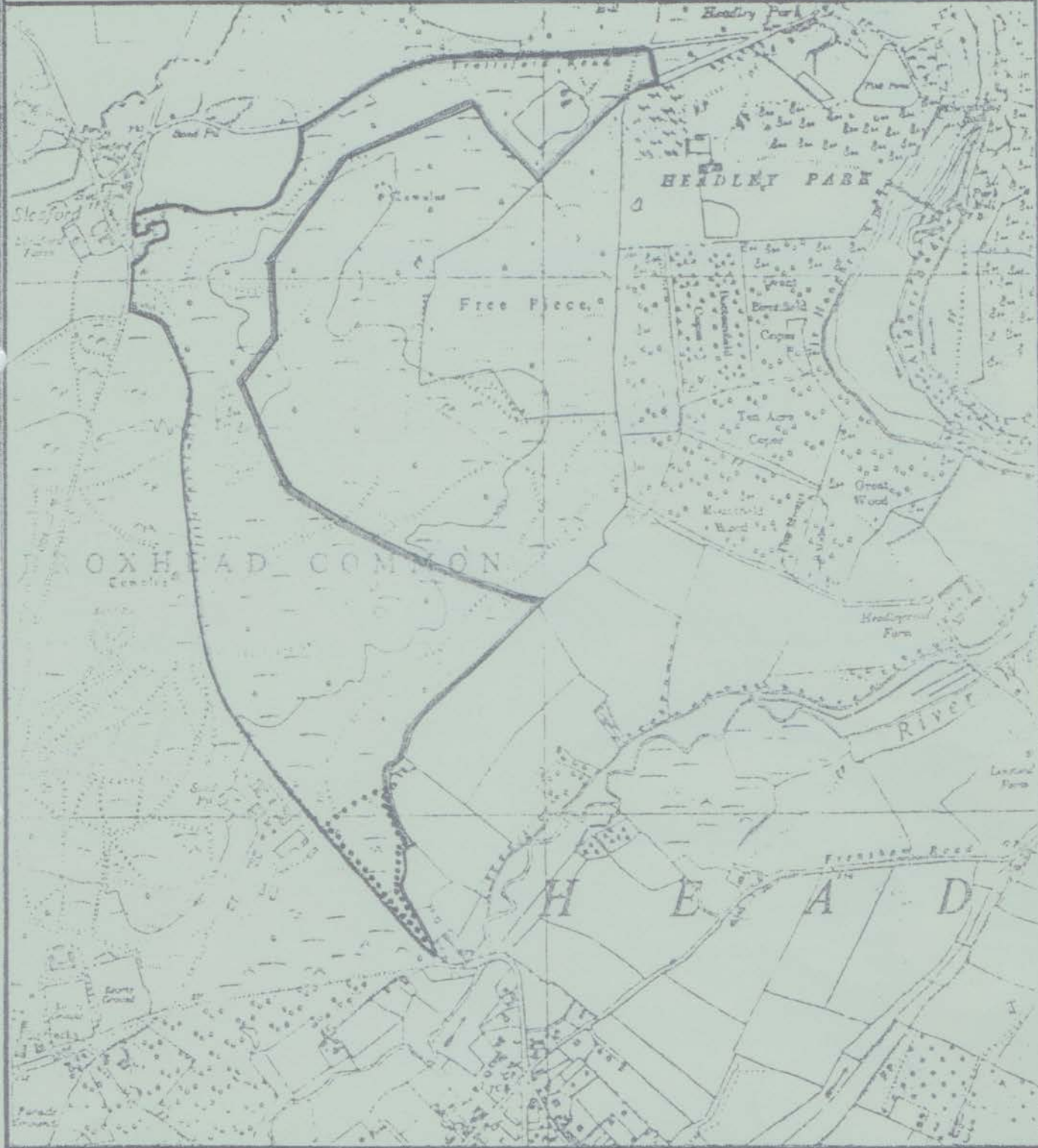
DUPLICATE
ORDER

FEB 1978

SEONE'S TOWER & CO
26/27 Farringdon Street
London EC4A 4DF

6/9

BROXHEAD COMMON (EAST), HEADLEY



SCALE 6" TO 1 MILE

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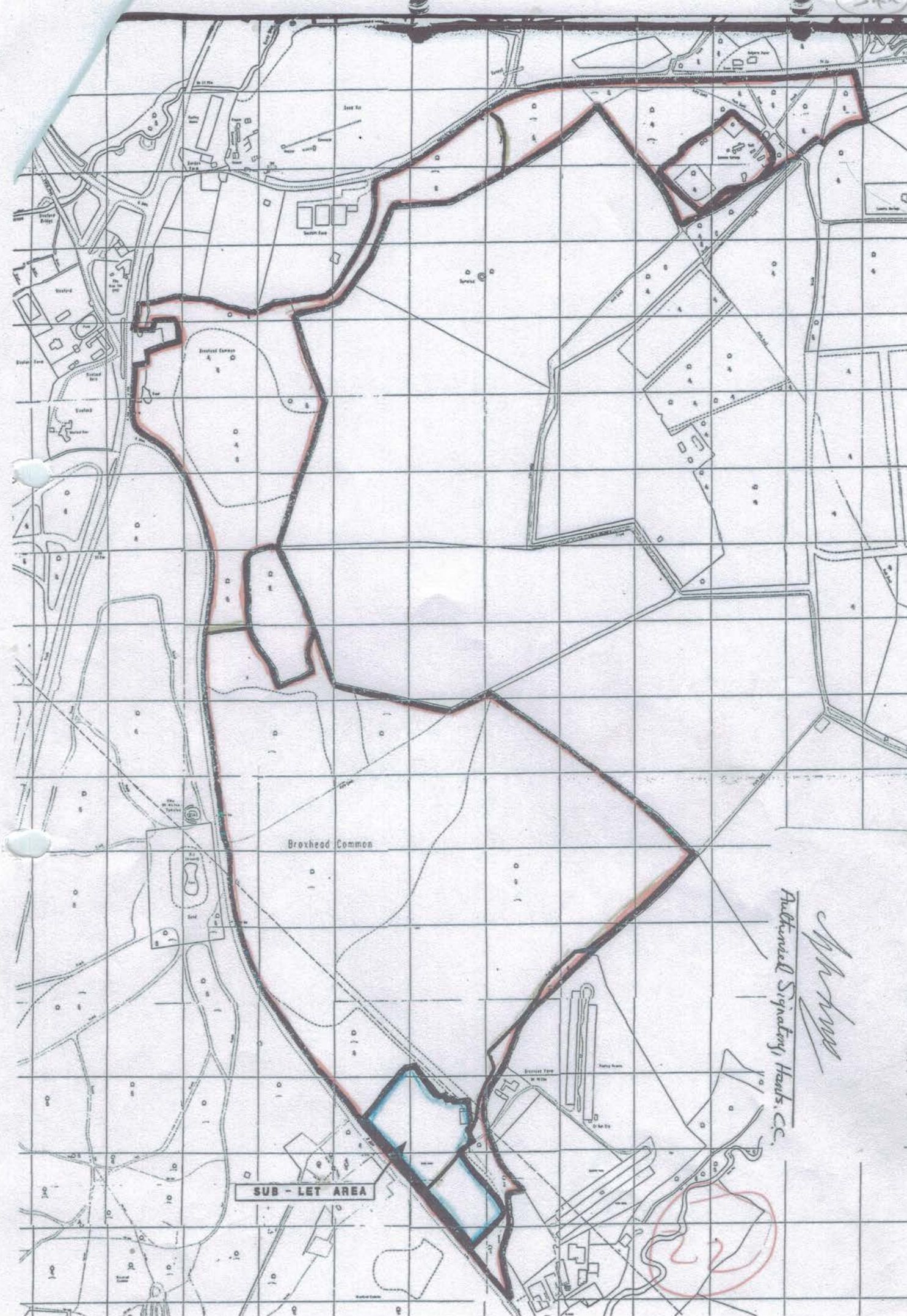
O.S. No.
SU 8036-8037

PARISH
HEADLEY

HAMPSHIRE COUNTY COUNCIL
ESTATES DEPARTMENT

PLAN No 61/107	DATE JUNE, 1978
B.J. COALES, E.R.I.C.S. COUNTY ESTATES OFFICER WINCHESTER.	

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Antennal Signatory, Haris, C.C.

Mr. [Signature]

SUB - LET AREA

Broxhead Common

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