

RIGHTS OF WAY SUB-COMMITTEE - 9TH JANUARY, 1975

REPORT OF THE COUNTY SECRETARY

BROXHEAD COMMON (CL.147)

Broxhead Common lies to the north of Bordon, between Petersfield and Farnham. It is some 400 acres in extent and is mostly owned by the Ministry of Defence (the land to the west of the Sleaford/Lindford road) and a Mr. Whitfield. It was the subject of reports to the 11th April and 18th July meetings of the Sub-Committee.

The County Council, as Registration Authority, registered the land in the land section of the Commons Register in 1968, as no individuals had done so, on the strength of an entry in Dr. Taverner's Book "The Common Lands of Hampshire". A large number of Commoners registered rights, and a number of objections, including ones from the Ministry of Defence and Mr. Whitfield were made. These disputes were referred to the Commons Commissioner, who held an Inquiry. The hearings occupied 10 days, mostly in London. The Commissioner issued an Interim Decision in August which was reported to the Sub-Committee on 17th October.

In his 21 page Decision letter the Commissioner awarded one commoner grazing rights over the whole of the registered unit and also rights to dig and take sand, turbery and estovers from the land to the west of the Sleaford/Lindford road. Fifteen other commoners were granted various rights over the Ministry of Defence land and one other rights over Mr. Whitfield's land.

The Commissioner did not confirm the alleged rights of 24 Commoners.

The case was involved and complicated. The Commissioner carefully considered applications made on both sides in respect of costs. Mr. Whitfield maintained that all the claims were frivolous and vexatious and pressed for an award of costs in his favour.

The Commissioner made the point that as far as Mr. Whitfield was concerned two Commoners had been successful in their claims and a much larger number had been successful in respect of the Ministry of Defence land. In the circumstances he made no order as to costs.

The Commissioner's decision is subject to appeal.