

HASLEMERE

UNCOVERED



The recent and still ongoing debate about car parking and the possibility of using Wey Hill as a site for a car park has provoked an understandable volume of correspondence in the Herald and the occasional outburst of righteous indignation from some residents. Much of that energy has been expended on talking about 'Our Common Land' and I thought that it might be helpful to explain a few things about this rather arcane subject.

I should explain that I am not a lawyer but as a Chartered Surveyor and Land Agent I have studied Property Law and having also managed a lot of Common Land thus have some knowledge of the subject which I thought it might be helpful to share.

The concept of Common Land is medieval in origin and goes back to the time when the peasants held their land from the Lord of the Manor. Prior to the Enclosure Acts (which coincided with the industrial revolution for socio-economic reasons which I am sure you will understand) peasants were subsistence farmers having a number of strips of land to grow crops on. Their very limited amount of livestock, a cow, a pig and a few geese



perhaps required different conditions and as those required space for grazing, the Lord of the manor usually made available an area of indifferent land that all the peasants could use collectively. It was still his land, but they used it as of right. It became enshrined in common law that the Landlord was not allowed to fence the Common.

The peasants various rights depended on the nature of the land but they were allowed to take timber for repairs (estovers), turf for their hearth (turbary) perhaps fish too if they were lucky enough to be near water (piscary), acorns for their pigs (pannage) and so on. It is worth pointing out that the right to hold a fun-fair has nothing to do with Common rights. That, in origin, is covered by a completely different area of legislation and generally originates in the grants of a Charter. Haslemere has been granted no fewer than three of those and they were in fact sold by the crown as a way of raising revenue.

In summary then, all land that is Common Land is owned by someone or perhaps a group of people (as in the case of Common Land at Grayswood where three local individuals clubbed together to buy it on the open market a few years ago. Common Land is not owned by the community. In the case of Wey Hill, Waverley Borough Council is the freehold owner having been passed the land with the demise of the former Haslemere Urban District Council which was done away with under the Local Government Act of 1974.

At Wey Hill there are no registered Rights of Common, as laid out in the Commons Registration Act of 1965 and so no-one's rights are infringed, but the owner (here WBC) cannot fence, build or develop the land in any way without getting government approval. If any scheme to build or develop Common Land involves more than 200 sq metres then the owner is required to find substitute Common to take its place.

Robert Serman
(Robert is the President of the Haslemere Society)