



In the Matter of Heath Pond, Warboys,
Huntingdon D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 68 in the Register of Common Land maintained by the Cambridgeshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference claims to ownership of the land in question ("the Unit land") were made by Warboys Parish Council and by Mrs E Robinson.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cambridge on 10 March 1983.

At the hearing the Parish Council was represented by its Clerk, Mr R O England, and Mrs Robinson by her grandson Mr S D Robinson. Mr A D Hill of the County Records Office also attended.

According to the Register the Unit land has an area of 0.23 of an acre. On the Register map it has an OS number 248, it lies at the SE corner of a field OS No. 247 of 5,416 acres, on the western side of which is Hill Farm. On its eastern boundary is a field OS No. 249.

Mr England told me that the Unit land formed part of an old drainage system and is a pond in a neglected state: at one time there used to be a sheepwash there. The Parish Council has allowed a local conservation society to make diggings, which have exposed the brickwork of the sheepwash, and is taking advice as to the practicability of further excavation and restoration. Mr Hill referred me to the Land Values Register of C. 1910 which recorded the Parish Council as owner of the Unit land.

Mrs Robinson's claim is based on a Conveyance dated 24 November 1948 by which there were conveyed to her husband, Albert E Robinson, Hill Farm and a piece of land measuring 5 acres 18 perches and bearing the OS No. 243 and 247. The Conveyance was by Emma Thong to whom, by a Conveyance dated 20 October 1903, there was conveyed a piece of land abutting Heath Road of an area of 5a. 18p. This Conveyance does refer to the Court rolls showing an area of 6a. 3r and 18p, which Mr Robinson said would include the pond: but the area in fact conveyed was 5a. 18p. Mr Robinson told me that they farmed the field OS No. 247 up to the boundaries of the pond: and comparing the OS numbers and areas on the Register Map with those comprised in the two Conveyances, I do not think the evidence establishes ownership of the Unit land in Mrs A E Robinson.

On the evidence as a whole I am satisfied that Warboys Parish Council is the owner of the land, and I shall accordingly direct the Cambridgeshire County Council, as registration authority, to register it as the owner of the land under section 8(2) of the Act of 1965.



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I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated

13 June

1983

A handwritten signature in cursive script that reads "L. J. Morris Smith".

Commons Commissioner