



COMMONS REGISTRATION ACT 1965

Reference No. 204/U/113

In the Matter of The Church Pit, Cambridge Road,
Orwell, Cambridgeshire

DECISION

This reference relates to the question of the ownership of the land known as The Church Pit, Cambridge Road, Orwell, being the land comprised in the Land Section of Register Unit No. CL.40 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 Messrs. George Breed & Sons claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cambridge on 25 May 1983. At the hearing Messrs. George Breed & Sons were represented by Mr R J Breed, one of the partners, and the Cambridgeshire County Council by Mr J M Farrar, the County Archivist.

By the Orwell Inclosure Award, dated 11 November 1837, the land in question was awarded to the Surveyors of the Highways within the parish of Orwell as a public Church Pit.

The actual pit forms only a part of the land so awarded. There is no direct evidence as to the subsequent history of the remainder until 3 April 1958, when it was the subject of a Conveyance made between (1) Gordon Ralph Mason and Henry William Dean (2) Harper Joseph Roads. It was acquired by Mr David Breed, another of the partners in Messrs. George Breed & Sons by a Conveyance made 13 April 1975 between (1) Charles Edward Harper Roads (2) David Breed and has since been occupied by part of the partnership firm.

The devolution of the actual pit is clear. It was transferred to the former Chesterton Rural District Council by Sections 25 (1) and 67 of the Local Government Act 1894. It could have been taken over by the former Cambridgeshire and Isle of Ely County Council under section 118 (1) (b) of the Local Government Act 1929 if the Rural District Council had so desired, but there is no evidence that the Rural District Council did so desire. Finally, it was conveyed to Mr David Breed by a Conveyance made 4 March 1977 between (1) South Cambridgeshire District Council (2) David Breed.

On this evidence I am satisfied that Mr David Breed is the owner of the whole of the land, and I shall accordingly direct the Cambridgeshire County Council, as registration authority, to register him as the owner of the land under section 8 of the Act of 1965.

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 this

7th

Day of

July

1983

Chief Commons Commissioner