



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/195

In the Matter of Bentfield Upper Green
and Bentfield Lower Green, Stansted
Mountfitchet, Uttlesford District, Essex

DECISION

This reference relates to the question of the ownership of land known as Bentfield Upper Green being a short distance west of the next mentioned Green and comprising 3 (before a strip was excepted 2) pieces and Bentfield Lower Green being to the east of Upper Green and comprising 2 pieces, all in Stansted Mountfitchet, Uttlesford District and together being the land comprised in the Land Section of Register Unit No. VG 30 in the Register of Town or Village Greens maintained by the Essex 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 Stansted Mountfitchet Parish Council claimed (letter of 23 September 1980) ownership 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 Chelmsford on 29 January 1981. At the hearing Stansted Mountfitchet Parish Council were represented by Mrs M Adair, their clerk.

Mrs Adair in the course of her evidence said that these pieces of land had so she understood, been cared for by the Parish Council for at least 30 years, although Mrs Joan Turner (a lifetime resident of Stansted Mountfitchet and now a member of the Parish Council and chairman of their Open Spaces Committee) wished her to state that during World War II the grass was not cut regularly but the Council commenced cutting of the greens in 1951. Mrs Adair also said that there were records available to her showing that from 1960 payments had been made by the Council, cutting the grass and that the Parish Council had given permission to other bodies relating to the land, mentioning (1976) a deed of grant to Mrs S M S Smith right and liberty to pass over the strip of land on the north of Lower Green, (1977) permission given to Women's Institute to plant a tree on the Upper Green to celebrate HM Queen's Silver Jubilee, and (1980) permission to Eastern Gas to lay a new gas main under part of the Lower Green.

Mrs Adair's evidence is open to criticism in that her personal knowledge does not go back before 1977 when she became clerk or 1975 when she first came to Stansted and that the permissions she mentioned are also recent. However I can I think evaluate her evidence having regard to subsection (3) of section 8 of the 1965 Act under which I am not satisfied about the ownership of the Parish Council I am nevertheless required to direct their registration as owners. I accept ^{re} Mrs Adair's understanding that this land is and has been for many years ~~computed~~ by knowledgeable members of the Parish Council to be in their ownership and that they are now in possession. I am therefore satisfied that the Parish Council



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are the owners of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register Stansted Mountfitchet Parish Council as the owners of the land under section 8(2) 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 16th — day of February — 1981

a. a. Bates Fuller

Commons Commissioner