



## COMMONS REGISTRATION ACT 1965

Reference No. 212/U/190

In the matter of Chaureth Green,  
Broxted, Uttlesford District,  
Essex

DECISION

This reference relates to the question of the ownership of land known as Chaureth Green, and also called Cherry Green, Broxted, Uttlesford District being the land comprised in the Land Section of Register Unit No. CL 185 in the Register of Common Land 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 (1) Mr Dennis Collins claimed (letter dated 20.7.80.) ownership of land on either side of the Green belonging to The Old Forge, (2) Mrs A Whitfield of Chaureth Lodge said (letter dated 23 July 1980) that the grass on the Green had been kept cut by her gardener whenever necessary at her expense since 1961, and (3) Mrs E M Laurie of Boreham Hall Farm said (letter received 25 July 1980) that the pieces of land outside and on each side of the entrance to her property had been kept cut by her for the last 20 years (since the death of her husband she had paid a boy to keep it cut) and that she had kept it mowed for tidiness. No other person claimed to be the freehold owner of any of the land in question or 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 28 January 1981. At the hearing there attended in person Mrs Amy Whitfield and Mrs Eileen Mary Laurie who wrote the said letters and Mr Terence Charles Saltmarsh of Brick House.

The land in this Register Unit is about  $\frac{1}{4}$  of a mile long from northeast to southwest and for the most part between 10 and 20 yards wide although it opens out at each end to a width of about 100 yards. A public road giving access from the south to the surrounding houses and farms runs the length of the land, finishing at the north-east end.

Those present at the hearing were agreed that in general all those who lived in a house with land fronting on the Green kept tidy the adjoining part of the Green; however none of those ~~claimed~~ <sup>present</sup> by reason of anything they had done to have become the owner of such adjoining part.

There was some discussion about the claim of Mr Collins. With his said letter he enclosed an extract from the OS map 1/2,500 and said that Nos 436 and 437 (0.376 and 1.180 acres) are "on the deeds to the Old Forge". No. 436 appears on this map as a strip about 175 yards long divided into three pieces, of which the two to the northeast are both about 8 yards, and the one to the southwest is about 15 yards wide. From my copy of the Register map, (it is apparently based on the OS map 6" = 1 mile), it is not clear whether No. 436 is wholly or in part or not at all included in this registration. No. 437 mentioned by Mr Collins



- 2 -

is on the opposite side of the said road and as I read the said two OS maps is not included in the registration. It was said <sup>at the hearing</sup> that the northwest piece of No. 436 is an allotment, that the middle piece is open grassland with some trees on it, that southeast and outside the middle piece there is a row of trees recently planted by Mr Collins, and that the southwest piece is Brick House and the land occupied with it.

On the day after the hearing, I inspected the land. At some places I felt doubtful about the boundary between the Green as registered and the land held with the adjoining houses and buildings, particularly near the middle piece of a strip OS No. 436. I need not give any decision about the boundary or as to the extent of the land claimed by Mr Collins, because on any view I must reject his claim, there being no evidence in support of it.

Having no other claim and no evidence of ownership by any one, I am not satisfied that any person is the owner of the land in this Register Unit, and it will therefore remain subject to protection under section 9 of the Act of 1965.

As to the allegedly ambiguous acts mentioned at the hearing as being possibly done either with the intention of improving the appearance of the Green for the benefit of all, or alternatively with the intention of encroaching on the Green for the benefit of none but the persons who did them:- About this ambiguity I have no jurisdiction to give a decision. All I can say is that it seems to me that the placing of stones marking the boundary of the registered land might be helpful; or perhaps some consideration should be given to proceedings under the said section 9 against the person concerned.

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 2nd — day of March — 1981

a a Baden Fuller

Commons Commissioner