



In the Matter of Coombe Green (part) Great
Warley, Brentwood, Essex

DECISION

This reference relates to the question of the ownership of land known as Coombe Green (part) Great Warley, Brentwood, being the land comprised in the Land Section of Register Unit No. CL.103 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 Mr E C Layton claimed to be the freehold owner of part 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 20 and 21 February 1980. At the hearing Mr Layton appeared in person.

Mr Layton is the owner of a house known as Coombe Cottage, Beredene Lane, Great Warley, the curtilage of which is completely surrounded by the land the subject of the reference. Mr Layton's house is approached by a driveway leading from Beredene Lane across the land in question.

During the last twenty-nine years there has been a fence on either side of the driveway, and Mr Layton and his predecessors have been in undisturbed possession of the driveway without any adverse claim and have used the driveway without interruption and without payment of any kind to any person. On 14 June 1972 the freehold of Coombe Cottage was conveyed to Mr Layton together with all the rights title, and interest of the vendor in the driveway.

On this evidence I am satisfied that Mr Layton is the owner of ^{part of} the land, and I shall accordingly direct the Essex County Council, as registration authority, to register him as the owner of ^{that part of} the land under section 8 (2) of the Act of 1965.

In the absence of any evidence as to the ownership of the remainder of the land comprised in the Register Unit, I am not satisfied that any person is the owner of that part of the land, and it will therefore remain subject to protection under section 9 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

11th

day of

March

1980


 Chief Commons Commissioner