



COMMONS REGISTRATION ACT

Reference No. 212/U/44

In the Matter of Farther Howe Green  
Purleigh Maldon D.

DECISION

This reference relates to the question of the ownership of land known as Farther Howe Green Purleigh Maldon D. being the land comprised in the Land Section of Register Unit No. CL.47 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 Purleigh Parish Council claimed to be the freehold owner 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 Colchester on 26 July 1978.

Mr J R Mardon, a Councillor appeared on behalf of Purleigh Parish Council and Mr P B Smith appeared on behalf of Maldon District Council.

Mr Mardon referred to correspondence he had with him and stated that in 1960 his council wished to clear the land which was overgrown, an eye/sore and of no use for any purpose. With this object in view the Parish Council approached the County Council and went to a great deal of trouble to trace the owner of the land, but the search for the owner was abortive. In these circumstances in November 1960 the Parish Council levelled and cleared the land and came to an arrangement with Mr Hyett that in return for his keeping the land tidy he could take the hay crop and graze animals on the land. The Parish Council also planted trees on the land.

In my view the clearing of the land and the taking of the hay crop from the land by Mr Hyatt in accordance with the arrangement between him and the Council have been acts by the Council adverse to the true owner which establish possession on the part of the Council over the past eighteen years and the Council has accordingly acquired a possessory title.

On this evidence I am satisfied that Purleigh Parish Council is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority to register Purleigh Parish Council as the owner 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

12<sup>H</sup>

day of

September

1978

J. A. Pette

Commons Commissioner