



In the Matter of Land off Pennsylvania Lane,
Tiptree, Essex

DECISION

This reference relates to the question of the ownership of land off Pennsylvania Lane, Tiptree, being the land comprised in the Land Section of Register Unit No. CL. 388 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 the Tiptree 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 8 December 1983. At the hearing the Parish Council was represented by Mrs C M Borgartz, one of its members, and Mr R Martin appeared in person.

The land in question is part of a green lane which was included in the parcels of a conveyance made 4 April 1967 between (1) James Martin (2) Carter and Ward of Wickford Ltd. Mr J Martin was the father of Mr R Martin.

Mrs Borgartz said that the Parish Council had from time to time cleared the footpath running through the green lane.

On this evidence I am satisfied that Carter and Ward of Wickford Ltd is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register that company 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

16th

day of

December

1983


Chief Commons Commissioner