



In the Matter of Mill Green Common (part),
 Ingatestone and Fryerning, Essex.

DECISION

This reference relates to the question of the ownership of land known as Mill Green Common (part), Ingatestone and Fryerning, being the land comprised in the Land Section of Register Unit No CL 102 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 Lord Petre 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 Chelmsford on 17 January 1978.

At the hearing Lord Petre appeared in person.

The land in question forms a very small part of Mill Green Common. It and the remainder of the common were the subject of a declaration dated 6 July 1927 made by the then lords of the manor of Ingatestone under section 193(2) of the Law of Property Act 1925 and deposited with the Minister of Agriculture and Fisheries on 21 July 1927. From this I infer that the land in question is waste land of the manor of Ingatestone. Lord Petre is the successor in title of the lords of the manor who made the declaration by virtue of a conveyance and deed of discharge made 25 November 1935 between (1) Sir Frederick Carne Rasch, bt and Herbert John Anthony Throckmorton (2) Joseph William Lionel, Baron Petre.

On this evidence I am satisfied that Lord Petre is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register him 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 14th day of February 1978

CHIEF COMMONS COMMISSIONER