



In the Matter of Piece of land between Tower
Road and Tower Pond, Writtle, Chelmsford B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 345 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 Writtle Parish Council claimed to be the freehold owner of the land in question ("the Unit land") 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 July 1983.

At the hearing the Parish Council was represented by Mr A Sayles, Solicitor. He referred me to an Inclosure Award dated 24 November 1879 by which a number of Public Driftways and Private Carriage and Occupation Roads were set out and appointed. One of these is numbered 77 on the Award Map and passes by, or possibly through, the Unit land, but I find it difficult from the map to have any certainty that it includes the Unit land.

By the Award it is set out for the use of the persons interested in specified plots of land adjoining, but the Award does not make any award or allotment of ownership to any person or body of persons, no further evidence was adduced. In these circumstances I am not satisfied that the Parish Council, or any other person, is the owner of the Unit 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

21 September

1983

L. J. Morris Smith

Commons Commissioner