



In the Matter of pieces of land at Curtismill Green and Wattons Green, Navestock and Stapleford Abbots, Epping Forest D

DECISION

This reference relates to the question of the ownership of land described above being the parts of the land ("the Unit land") comprised in the Land Section of Register Unit No. CL 12 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 a number of claims were made to ownership of the pieces of land in question.

I held a hearing for the purpose of inquiring into the question of the ownership at Chelmsford on 30 November 1982. The hearing was attended by Mrs K Holmes, Mr M A Fox, Mr E Leland, Solicitor, appearing on behalf of Mr J W Root, and by Mr J R Cook, an Officer of and representing Brentwood District Council.

The pieces of land in question are five very small parts of a considerable Common. They are described in the notice of reference and lettered (a) to (e), and I will consider each separately.

(a) This piece ("the (a) piece") is a field near the Roding at the northern end of the Unit land, and ownership is claimed by Mr Fox. By a Conveyance dated 4 December 1980 land forming part of Green Farm was conveyed to him by Barclays Bank Trust Co Ltd. and Another: the (a) piece was included in the land so conveyed. I am satisfied on the evidence that he is the owner.

(b) This piece ("the (b) piece") is on the western edge of Curtismill Green near to Lodge farm and is claimed by Mr Root. Close to the (b) piece is Chestnut Cottage which is owned by Mr Root: formerly it comprised two cottages, one of which Mr Root purchased from his uncle in March 1954, the other he inherited, his title being completed by an Assent dated 26 July 1965. Mr Root gave evidence: there is access from his Cottage to the (b) piece, adjoining which to the north is another small strip of land (not part of the Unit land). Since 1954 he has made use of the (b) piece and the strip for keeping goats and chickens, and has two sheds on the strip for their accommodation. No one has ever challenged his user of the (b) piece and the strip. On the evidence I am satisfied as to his ownership of the (b) piece.

(c) This piece ("the (c) piece") lies on the south west end of Murthing Lane. There was no claim to ownership and as I am not satisfied that any person is the owner it will remain subject to protection under Section 9 of the Act of 1965.

(d) is a piece of land ("the (d) piece") on Curtismill Green south of the Harrow. This is claimed by Brentwood District Council, successor Authority to Epping and Ongar Rural District Council, to which in 1956 some 62 acres of Curtismill Green were conveyed by the Church Commissioners. The Conveyance was dated 1 May 1956 and the property conveyed included the (d) piece. The greater part of the 62 acres was registered in 1968 in the ownership of the Rural District Council, but it



-2-

appears that the (d) piece was not included in the registration. On the evidence I am satisfied that Brentwood District Council is the owner.

(e) is a piece of land ("the (e) piece") in fact a pond, to the south of Watton Farm, and is claimed by Mrs Holmes as joint owner. By a Conveyance dated 22 December 1963 property was conveyed by David G Crichton to Eileen H Butcher and Mrs Holmes jointly, and this property included the (e) piece. On the evidence I am satisfied as to the joint ownership.

In the result I shall direct the Essex County Council, as registration authority, to register under Section 8(2) of the Act of 1965 (1) Mr Fox as owner of the (a) piece, (2) Mr Root as owner of the (b) piece, (3) Brentwood District Council as owner of the (d) piece and (4) Mrs Butcher and Mrs Holmes as owners of the (e) piece.

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

28 February

1982

L. J. Morris Smith
Commons Commissioner