



In the Matter of Rushley Green, Castle Hedingham,
Braintree D

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. VG 164 in the Register of Town or Village Greens 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 Mr T Doe and Mr F M Stevens claimed to own parts 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 ~~30 November 1982~~.

The hearing was attended by Mr Doe, Mr F M Stevens and his representative Mr M Jones of the National Farmers Union; and by Mr D E Stevens, who does not claim ownership but claims rights of access over the Unit land.

Mr Doe's claim relates to the Section of the Unit land, shown on a plan he produced, which lies between lands which ~~is~~^{are} on each side are part of his farm, Rushley Green Farm. I will refer to this section as "the Rushley section". The farm he purchased in 1979, and it was conveyed to himself and his wife and son jointly by a Conveyance dated 1 May 1980. The Vendor was a Miss Majendis, and Mr Doe had been tenant of the farm for some 25 years prior to the purchase. The Rushley section was at one time rough scrubland and over run by rabbits: it was cleared by him and he has cultivated and cropped part of the section regularly for 25 years and on the remaining part has stored his farm implements. There is a lane or gravel track running through the section, the surface of which he has maintained. I am satisfied on the evidence as to his ownership of the Rushley section, *which is the section also hatched on the attached plan marked "RUSHLEY"*

Mr F M Stevens is the owner of Lippingwells Farm which he acquired in 1954, and he claims the section ("the Lippingwells section") of the Unit land which adjoins the ~~eastern~~ boundary of his Farm, and which lies between the lines marked A and B on the attached ^{map}. This section was not included in the Farm purchase, but Mr Stevens in evidence stated that in 1959 he bulldozed and cleared the section, which he cultivated and has since grown corn and potatoes. No one has challenged his use of the section. On the evidence I am satisfied that he owns the Lippingwells section.

As to the remainder of the Unit land, other than the Rushley and Lippingwells sections, I am not satisfied that any person is its owner and it will accordingly vest in Castle Hedingham Parish Council.



-2-

In the result I shall direct the ^{County} ~~Parish~~ Council, as registration authority to register under section 8(2) of the Act of 1965 Mr Doe as owner of the Rushley section and Mr F M Stevens as owner of the Lippingwells section, and under section 8(3) of the Act to register the Parish Council as owner of the remainder of the Unit land.

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

31st January

1983

A handwritten signature in cursive script that reads "L. J. Morris Smith".

Commons Commissioner

RUSHLEY

274

Rushley Green. 177

G R A S S L A N D

5262
87

81

NGHAM

83
5332
29

B.M. 257 04

7 Pond 5252
22

154
E4

751
7250
476

Ponds

Pond

84

445
291



111

72 Pond

Rushley Green Farm

184

744
85

123

5232
2309

110

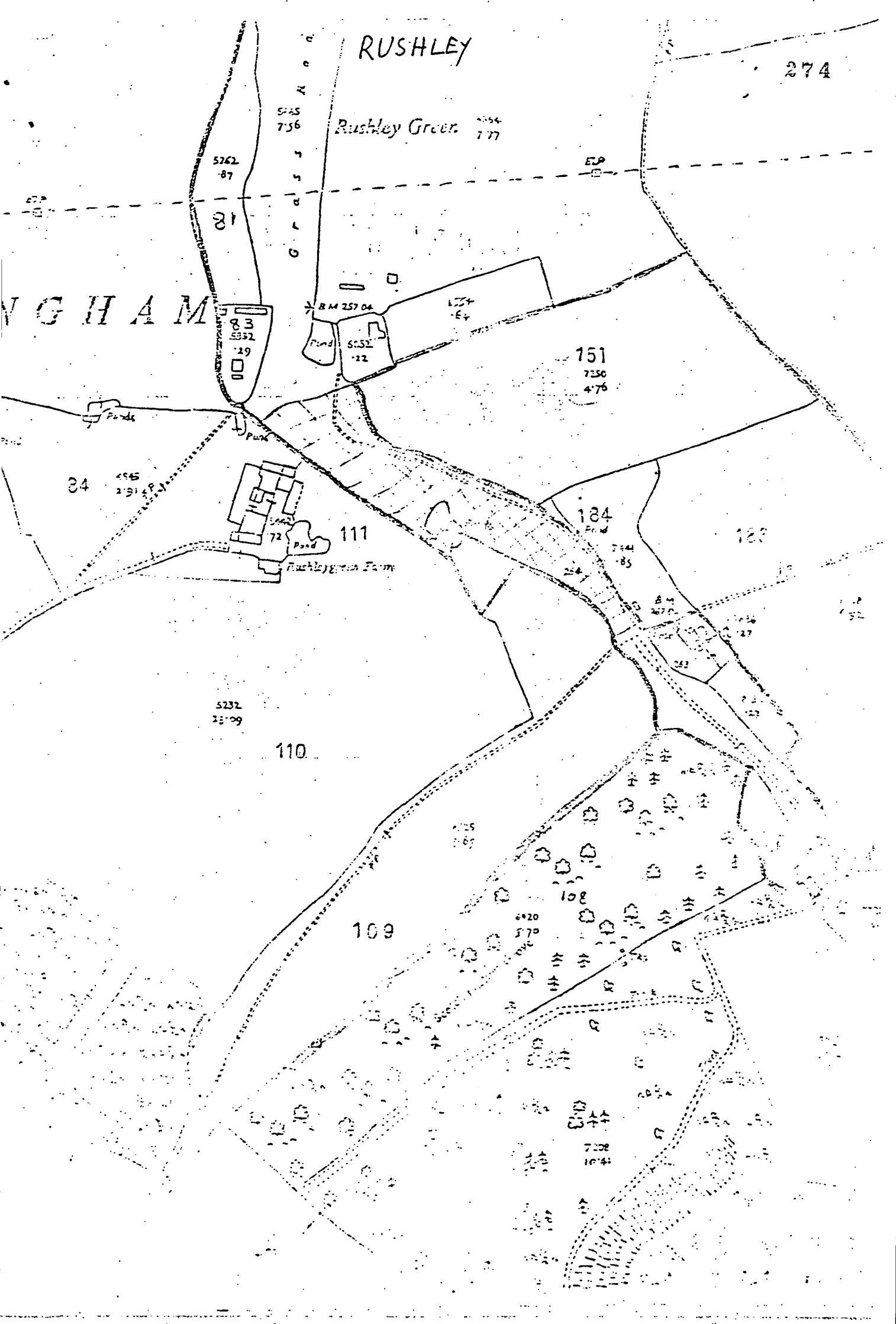
109

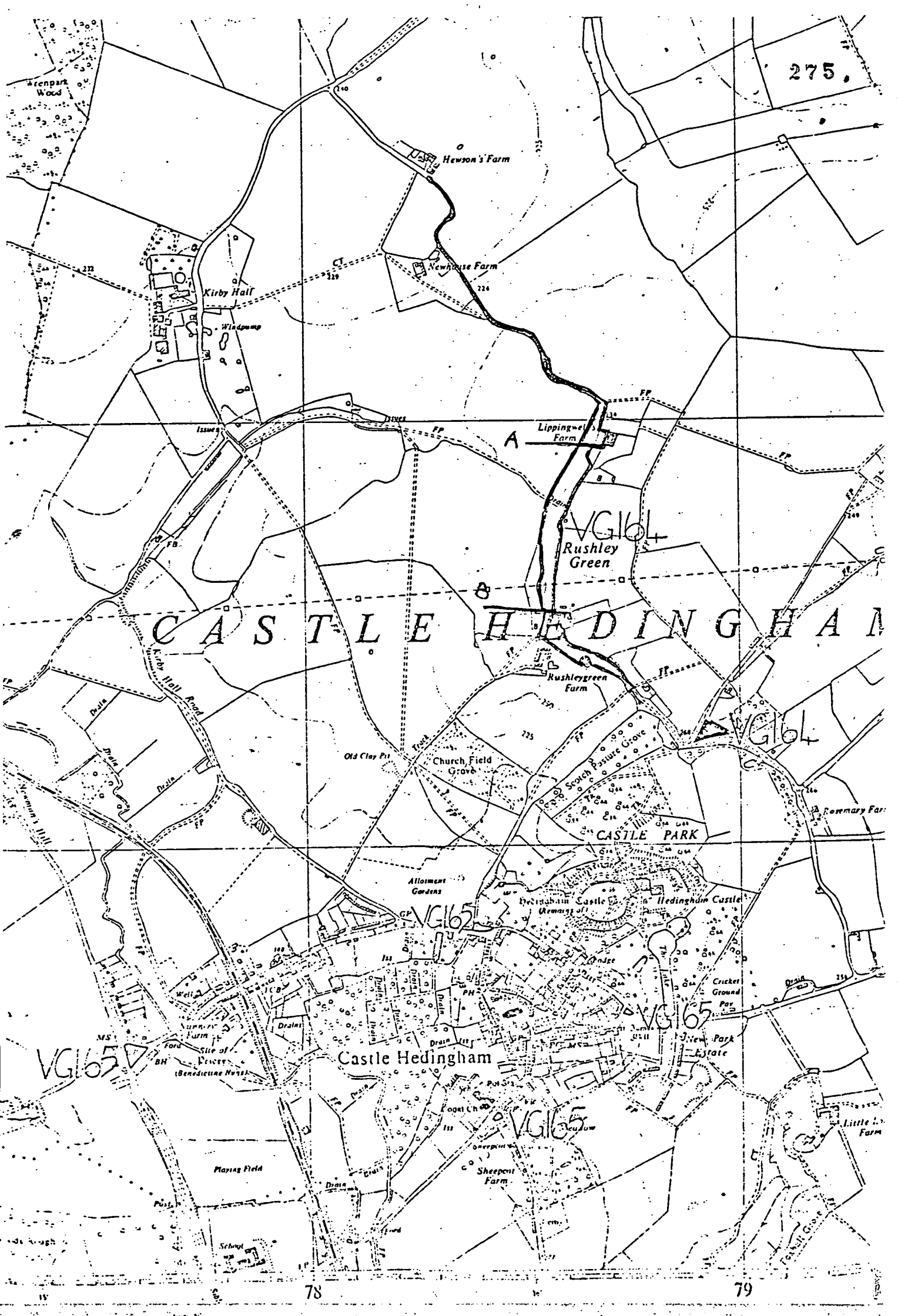
525
169

108

620
570

7228
1641





CASTLE HEDDINGHAM

Castle Heddingham

CASTLE PARK