



COMMONS REGISTRATION ACT 1965

Reference No. 212/D/246 to 248
inclusive

In the Matter of seven pieces of land
at North End, Great Waltham, Chelmsford
Borough, Essex

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 466 in the Register of Common Land maintained by the Essex County Council and are occasioned by Objection No. 371 made by Mrs M A Stevens and Mr P E Stevens and noted in the Register on 8 September 1971, by Objection No. 456 made by Mr W A T Morecombe and noted in the Register on 3 August 1972, and by Objection No. 529 made by Essex County Council and noted in the Register on 24 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Chelmsford on 10 November 1981. At the hearing Essex County Council were represented by Mr S Gardner administrative assistant (countryside) in their Chief Executive and Clerk's Department.

The registration was made on the application of Mr John Cecil Jenkins. The land ("the Unit Land") in this Register Unit comprises 7 pieces, all of which adjoin public highways (suitable for motor traffic) running through or near the village of North End. In appearance they might all be considered as wide highway verges. The piece on the south-east side of Hill Road includes a pond (between the Road and Harriets), as also does the piece on the southwest side of Bennett's Lane (the pond is opposite Angles on the other side of the Lane). The grounds of Objection No. 371 (Messrs Stevens) are: "The land was not common land at the date of registration", and with the objection there is a plan which shows the part of the piece southeast of Hill Lane which is between Harriets and the Road (including the pond). The grounds of Objection No. 456 (Mr Morecombe) are: "that the land was not common land at the date of registration", and no plan accompanies the objection. The grounds of Objection No. 529 (County Council) are: "Part of the land coloured pink on the attached plan was not common land at the date of registration"; on the attached plan so coloured is all the Unit Land except the said two ponds, except the piece between Brook Farm House and the adjoining carriageways of Bennett's Lane and Brook Hill and except the most southerly of the 7 pieces opposite Sunnyside, Hillcrest and Florence Cottage.

Mr Gardner confirmed what was said in a letter dated 3 November 1981 from the County Council to Mr Jenkins: "there is some evidence to suggest that the southern most area (to the registration of which the Council did not object) which lies south of the road and west of North End Cottage is manorial waste and it is described as unenclosed waste in late 19th century sales particulars. It is also the site of a pump ... as to the remaining six areas, no information in support of their registration as common land has been found ..." Mr Gardner also produced a letter dated 4 November 1981 from Mr Jenkins to the County Council



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enclosing a copy of the said November 1981 signed by Mr Jenkins as agreed and also agreed that the registration of the most southerly piece should stand. As to the objection by Messrs Stevens, I have a memorandum dated 28/1/81 from him saying that the property was sold 5 years ago so he has no further interest. As regards the objection of Mr Morecombe, Mr Gardner said that he had ascertained from his solicitors that having moved twice since his objection he would not be attending.

On the day after the hearing I inspected the Unit Land.

The land coloured pink on the County Council Objection plan appears to be highway verges from which could sensibly be regarded as part of the highway. Having regard to the investigation and inquiries referred to by Mr Gardner, I conclude that this part of the Unit Land was not properly registered. On present appearance alone the said two ponds and the piece between Brook Farm House and the adjoining carriageway could not sensibly be regarded as common land apart from the adjoining parts of the Unit Land coloured pink on the County Council Objection plan; I conclude therefore that these also were not properly registered. As regards the most southerly piece in the absence of any effective objection to it I consider that I can give effect to the investigations made by the County Council and conclude, in accordance with the contentions made by Mr Gardner, that it was properly registered.

For the above reasons I confirm the registration with the modification that there be removed from the Register all the land in this Register Unit except the most southerly of the 7 pieces which together make up the Unit Land and with a ^{further} further modification that in the Land Section for the words "The seven pieces" there be substituted the words "The piece", so that in the result the only land remaining in this Register Unit will be the piece which on the other side of the road is opposite to and which is south or southeast of Sunnyside, Hillcrest and ~~Flora~~ ^{Flora} Cottage.

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 3rd day of December 1981

A. A. Baden Fuller

Commons Commissioner