



In the Matter of Six Pieces of Land at
Coopersale, Epping, Essex

DECISION

This reference relates to the question of the ownership of six pieces of land at Coopersale, Epping, being the parts of the land comprised in the Land Section of Register Unit No. CL 390 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 or under the Land Registration Acts 1925 to 1971 as the owner.

Following upon the public notice of this reference the Chisenhale-Marsh Estates Co and Mr K G A Matthews claimed to be the freehold owners of parts 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 7 December 1983.

At the hearing the Chisenhale-Marsh Estates Co was represented by Mr A B Peterkin, its land agent, Mr Matthews was represented by Mr J Jones, Solicitor, and Mr G W Scott was represented by Mr T C Constable, Solicitor.

The land the subject of the reference consists of a number of small areas at the sides of the roads known as Stonards Hill and Houplons Hill. One of these areas is on the west side of Houplons Hill. A very small part of this area at its southern end was conveyed to Mr Matthews by a Conveyance made 25 January 1977 between (1) Chisenhale-Marsh Estates Co (2) Hugo Atherton Chisenhale-Marsh (3) Knightly Gerard Adrian Matthews. This land was vested in Mr Chisenhale-Marsh by a vesting assent made 12 July 1937 between (1) Thomas Edward Chisenhale-Marsh and Edward Vigor Fox (the executors of William Swaine Chisenhale-Marsh) (2) H A Chisenhale-Marsh. Chisenhale-Marsh Estates Co had an estate in fee simple in equity by virtue of an agreement made 21 September 1937 between (1) H A Chisenhale-Marsh (2) Chisenhale-Marsh Estate Co.

Mr Scott and his wife claimed to have acquired a possessory title to the remainder of the area on the west side of Houplons Hill. It consists of scrub land and is divided from the road by a fence and is crossed by a footpath leading to Mr and Mrs Scott's house to the north. During the period from 1935 onwards brushwood had been taken from this land from time to time by Mr and Mrs Scott's employees and during the last fifteen years they have cut and taken timber from dead trees without any adverse claim.

The remainder of the land the subject of the reference was vested in Mr H A Chisenhale-Marsh by the vesting assent of 12 July 1937 referred to above.

On this evidence I am satisfied that Mr Matthews, Mr and Mrs Scott, and Mr Chisenhale-Marsh are the owners of parts of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.



-2-

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

13~~th~~

day of

January

1984

A handwritten signature in cursive script, appearing to read 'A. J. L. Jones', written over a horizontal line.

Chief Commons Commissioner