



In the Matter of Springfield Green, Chelmsford

Essex

DECISION

This reference relates to the question of the ownership of land known as Springfield Green, Chelmsford, being the land comprised in the Land Section of Register Unit No. VG.114 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 Col. J Austin, the Chelmsford Borough Council, and the Essex County Council 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 Chelmsford Borough Council was represented by Mr A G Simpson, Solicitor, and Col. Austin by Mr J M Macdonald, Solicitor. There was no appearance on behalf of the Essex County Council.

There are three pieces of land the subject of the reference. One of them is a triangular area to the west of All Saints Church. The northern side of this triangular area is the site of a former ditch dividing the grounds of Lawn House, the property of Col. Austin and his wife, from the green to the south. The ditch was filled in by the former Essex County Council when improving the adjoining road, and the County Council apologised to Col. Austin and his wife for trespassing on their land.

On this evidence I was satisfied that Col. Austin and his wife are the owners of a small part of the land, and I gave a decision accordingly.

Within 10 days from the date on which notice of my decision was sent to the County Council the Chief Executive and Clerk of the Council wrote to the Clerk of the Commons Commissioners pointing out that at a hearing by Mr Commissioner Morris Smith on 20 July 1983 evidence had been adduced that the County Council had acquired a part of the land the subject of the reference under the Chelmsford (Springfield Green Improvement) Compulsory Purchase Order 1969. Being satisfied that the County Council had sufficient reason for not being represented at the hearing before me, I have decided to exercise my power under regulation 21 (1) of the Commons Commissioners Regulations 1971 to set aside my decision. In the circumstances it is not necessary for me to reopen the hearing.

It was proved before Mr Commissioner Morris Smith that the County Council, being unable to find the owner of a strip of land required for road widening on the east and north sides of Springfield Green, had on 4 July 1972 executed a deed poll by virtue of section 5 of 2nd Schedule 2 to the Compulsory Purchase Act 1969 declaring that the strip of land should vest absolutely in the Council.



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On this evidence I am satisfied that the County Council is the owner of the strip of land on the east and north sides of Springfield Green, and I shall accordingly direct the County Council, as registration authority, to register itself and Col. Austin and his wife as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence, I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the County Council to register the Chelmsford Borough Council as the owner of that part under section 8 (3) 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 this 31st day of January 1984

CHIEF COMMONS COMMISSIONER

