



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/201

In the Matter of Village Green,
Manuden, Uttlesford District, Essex

DECISION

This reference relates to the question of the ownership of land known as Village Green, Manuden, Uttlesford District being the land comprised in the Land Section of Register Unit No. VG 163 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 (1) Mr F C Bishop of Conifers, 4 Watts Yard, Manuden said (letter of 15 September 1980) that from 1953 he paid rent to the Parish Council for part of the land, that on the adjoining land he carried on a Garage business which in 1974 he sold to D Bonney & Sons and that he now claimed that the land belonged to them; and (2) Manuden Parish Council claimed (their Solicitors' letter of 22 September 1980) to be the freehold owner of the land in question and produced copies of (a) a statutory declaration made on 12 May 1970 by Mr F C Bishop, (b) a letter dated 7 November 1972 from Essex County Council to Manuden Parish Council, (c) an agreement dated 30 January 1975 between the Parish Council and Mr D B Bonney licensing him to use part of the land, and (d) a lease dated 7 May 1980 by which the Parish Council let part of the land to Mr D B and Mrs D M Bonney for 7 years from 1 January 1980. No other person claimed to be the freehold owner of the land or 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 29 January 1981. At the hearing (1) Manuden Parish Council were represented by Mr D Williams, solicitor with William Gee & Sons, Solicitors of Bishops Stortford and (2) Mr F C Bishop attended in person.

Mr Bishop said he withdrew the ownership claim made in his said September 1980 letter.

The land in this Register Unit is approximately triangular, its east side (about 75 yards) being the River Stort, its southwest side (also about 75 yards) being land used as a Garage, and its north side (about 35 yards) being a road from the Village leading by the Yew Tree Public House across a bridge over the River to the Hall. The east part is used for storing or parking cars in connection with the Garage; the rest is grassland, an amenity for those who live near and for others.

Mr G H Fordham who has lived in Manuden since 1939, became a member of the Parish Council in 1949 and was their clerk from 1967 to 1977. In the course of his oral evidence produced: (1) the Parish Council Receipts and Payments Book from 1965 to date; (2) a copy of the said 1970 declaration, (3) the said January 1975 agreement, (4) an agreement dated 28 July 1953 by which Mr F C Bishop



agreed to pay the Parish Council £10 a year for the right to put motor cars on part of the Green, and (5) the Parish Council Minute Books from 1949 to 1964 and from 1964 to 1977.

Mr Bishop who has resided in Manuden all his life (70 years) then gave oral evidence confirming his said 1970 statutory declaration. In it he said (in effect):- The land in this Register Unit when he first knew it in the 1920s was enclosed and known as Brand's Meadow after Mr Charles Brand of the Yew Tree Public House who carried on the business of a wheelwright. Since then the fences deteriorated and eventually ceased to exist and the land became derelict. In 1947 he commenced the business of garage proprietor on the nearby land and now used for this purpose. By arrangement with the Parish Council he tidied up the land in this Register Unit and paid them rent for the use of part of it in connection with his business.

The minutes produced by Mr Fordham show that the Parish Council have been concerned with this land from about 1949 onwards and the said arrangements with Mr Bishop are there recorded. ~~Being~~ as far back as he had been concerned with the land, confirmed Mr Bishop's evidence; ^{Mr Fordham} since Mr Bishop gave up the Garage, rent had been received by the Parish Council from his successor for the part of the land used in connection with such business and the Parish Council had concerned themselves with the remaining part.

On the evidence summarised above I conclude that the Parish Council have been in possession by themselves or their licensee or tenant since at least 1953. I infer that it is now practically certain that their possession will not be disturbed in that it is now generally recognised that the land is parish property properly under the control of the Parish Council. Accordingly I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register Manuden Parish Council as the owners of the land under section 8(2) 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 16th — day of March — 1981

a. a. Bass Jiles