



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/60

In the Matter of Green Lane and
Heavens Wood in Great Gaddesden and
Flamstead, Dacorum District,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Green Lane and Heavens Wood, part in Great Gaddesden and part in Flamstead, Dacorum District, being the land comprised in the Land Section of Register Unit No. CL199 in the Register of Common Land maintained by the Hertfordshire 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 the Rev Sir John Halsey Bt. claimed (his solicitors' letter of 16 November 1972) that the ownership was vested in him and the Clerk of Hertfordshire County Council said (letter of 4 April 1973) that the land was claimed by Rumball and Edwards on behalf (so he believed) of the Halsey family. No other person claimed to be the freehold owner of the land in question 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 Hertford on 6 June 1978. At the hearing the Reverend Sir John Walter Brooke Halsey Baronet and Mr Nicholas Guy Halsey were represented by Mr A H Hemsley solicitor of Halsey Lightly and Hemsley, Solicitors of London and Guildford.

The land ("the Unit Land") is a strip a little more than $\frac{1}{2}$ mile long off and at right angles to the road from Redbourn to Gaddesden Row; its north end is a short distance east of Stagsend and its south end near Holtsmere End Farm.

This hearing followed a hearing (Reference No. 16/U/61) about strips of land at Gaddesden Row ("the CL198 Land") at which I considered evidence given by Mr P A Turner, chartered surveyor of Rumbell Sedgwick & Edwards, Chartered Surveyors of St Albans, and by Mr N G Halsey who claimed ownership. Mr Turner's firm had not (so he said) been responsible before 1970 for the manorial wastes, because then these matters were dealt with by Lovel Smeathman & Son, Solicitors of Hemel Hempstead. My decision in relation to the CL198 land is of even date, and such decision should be read with this decision. I treated said evidence as given at this hearing relating to the Unit Land. Additionally, Mr Turner produced a map (based on OS 1/2500) showing in red the part ("the Claimed Land") of the Unit Land of which Mr Halsey claimed the ownership, being all the Unit Land except the south part (the narrow strip being about two sevenths of the whole length) and a small area at the north end where Unit Land broadens out by the road. The Claimed Land is a triangle of land which is very narrow at its north end, gradually broadens out till at its south end it is about a hundred yards wide. To his other evidence he said that when he took over from Lovel Smeathman & Son, they supplied a map showing the manorial waste of the Manor of Great Gaddesden and they included the Claimed Land in such land; he had this map at his office at St Albans and the map he produced was based on it.



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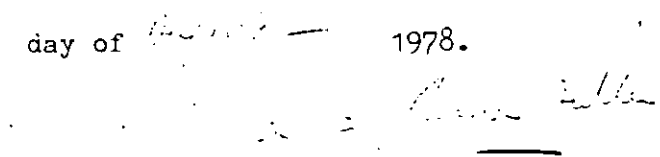
On the day after the hearing I walked the length of the Claim Land.

In my CL198 decision, I concluded that Mr N G Halsey is now, under the documents therein mentioned, Lord of the Manor of Great Gaddesden and that the acts of ownership mentioned in such decision showed that the CL198 land was, or was reputed to be, part of such Manor. I had no evidence of any similar acts of ownership in relation to the Claim Land. In my opinion the Unit Land is too far away from and too dissimilar to the CL198 land for the said acts of ownership to be ascribed to the Unit Land. So as to the Claim Land being part of the waste of the Manor of Great Gaddesden, I have only the maps Mr Turner said he had obtained from Lovel Smeathman & Son. I am not persuaded by what Mr Turner said. I can from such maps properly conclude that the Claim Land is part of the waste of the Manor.

I am therefore not satisfied that Mr Halsey is the owner of the Claim Land and in the absence of any evidence that any other person is the owner of any part of the Unit Land, I am not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 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 27th day of March 1978.


Commons Commissioner.