



COMMONS REGISTRATION ACT 1965

Reference no. 216/U/102

In the Matter of land at Northchurch and Berkhamstead Common

DECISION

This reference relates to the question of the ownership of part of the land comprised in the Land Section of Register Unit No. CL.47 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 or under the Land Registration Acts 1925 and 1936 as the owner.

Following upon the public notice of this reference the National Trust and the Berkhamstead Golf Club claimed to be the freehold owners of the 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 St. Albans on Tuesday 16 January 1990.

At the hearing Mr R T Hodder, solicitor, of Smeathams of Hemel Hempstead represented the Berkhamstead Golf Club Trustee Limited, ("the Golf Club"); Mr R W Wheeler FRICS (land agent) represented the National Trust for Places of Historic Interest or Natural Beauty ("the National Trust") and Miss A Pegrum represented the Hertfordshire County Council.

The Golf Club are finally registered as owners of the greater part of the southern part of the unit land and the National Trust are finally registered as owners of the northern part. There is however a small area on the east of the land of which no person is registered as owner ("the referred land"). That area is shown coloured orange on the map attached to this decision.

The claim of the Golf Club

The Golf Club claim ownership of the part of this area to the south of the line XY on the map. Mr Hodder produced a conveyance on sale dated 30 November 1923 whereby Brownlow Richard Christopher Towers, Lionel Henry Cust and Humphrey John Talbot conveyed to the Golf Club in fee simple land identified by a map which includes the whole of the referred land south of the line XY. On that evidence I am satisfied that the Golf Club are the owners of this land.

The claim of the National Trust

The National Trust claim the land north of the line XY as far north as point Z. Mr Wheeler produced a conveyance on sale dated 7 June 1926 whereby Brownlow Richard Christopher Towers, Lionel Henry Cust and Humphrey John Talbot conveyed to the National Trust in fee simple land identified by a map which includes the whole of this area. On that evidence I am satisfied that the National Trust are the owners of this land.



Remaining Land

There remains a very narrow piece of land to the north-west of point Z lying between the north-eastern side of the road and the boundary of the unit land. No one claimed to be the owner of this land and it will accordingly remain subject to protection under section 9 of the Act of 1965.

Conclusion

I shall accordingly direct the Hertfordshire County Council as registration authority to register under section 8(2) of the Act of 1965 -

(1) The Berkhamstead Golf Club Trustee Limited ^{Orange PL-D} as the owners of that part of the land coloured ~~yellow~~ on the map attached to this decision which lies to the south of the line XY

(2) The National Trust for Places of Historic Interest and Natural Beauty as the owners of that part of that land which lies between the line XY and the point Z on the map.

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

17th

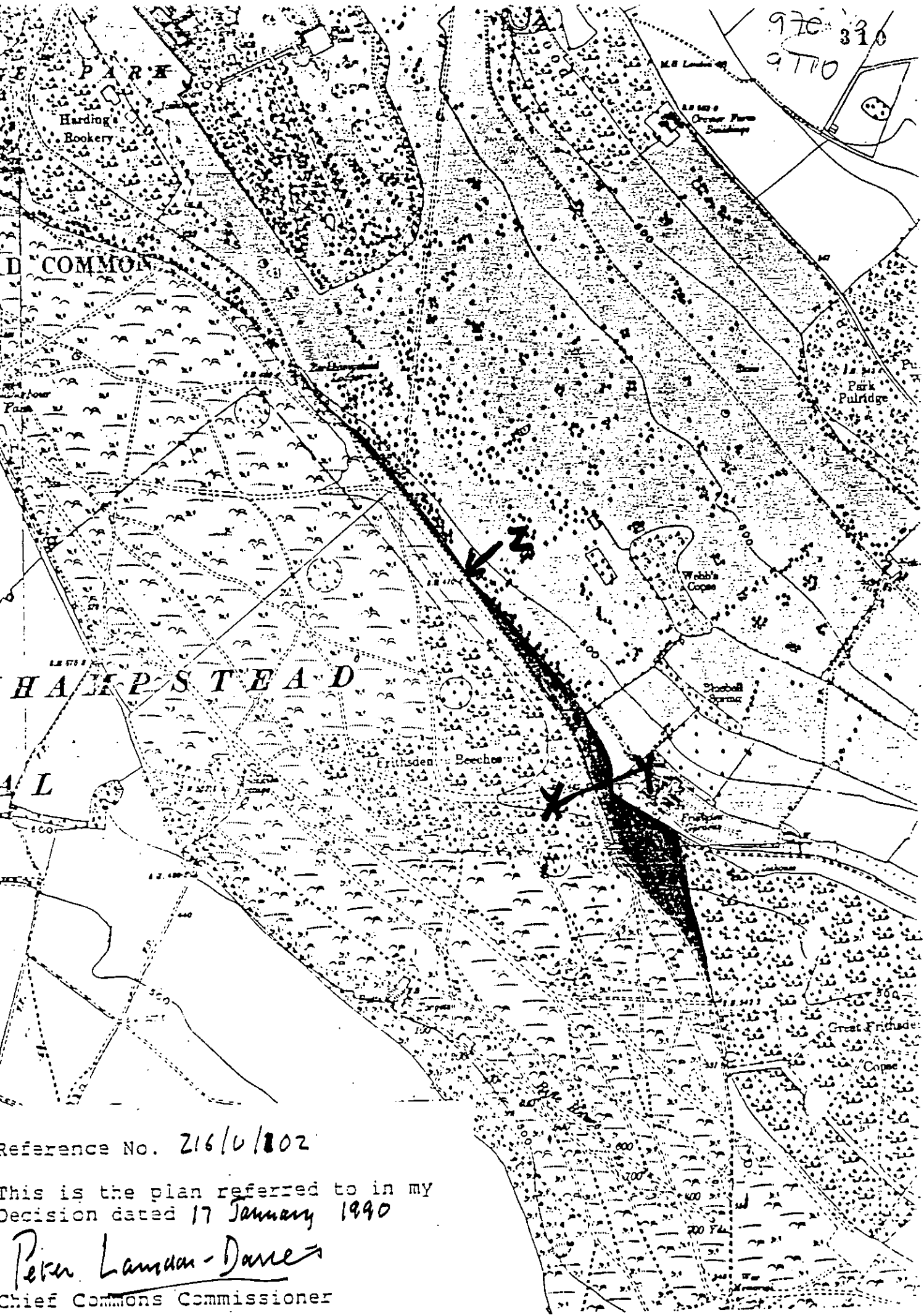
day of

January

1990

Peter Landon-Davis

Chief Commons Commissioner



Reference No. 216/0/802

This is the plan referred to in my
Decision dated 17 January 1990

Peter Lansan-Dave
Chief Commons Commissioner