



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/24

In the Matter of Lye Lane at
Wood End, Ardeley, East
Hertfordshire District, Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Lye Lane at Wood End, Ardeley, East Hertfordshire District being the land comprised in the Land Section of Register Unit No. CL 235 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 Ardeley Parish Council said (letter dated 15 November 1980) that on 30 June 1967 they had completed the purchase of the Commons of the Manor of Yardley from the Church Commissioners and Mr J Collins of Lye Lane Cottage said (letter of 4 December 1980) that he had used the land for grazing and had done so for some years. 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 14 January 1981. At the hearing Ardeley Parish Council were represented by Mrs J M Bath their clerk and Mr A H Camp of High Trees Farm on whose application a right to graze 20 cows and take herbage over the land is now registered at Entry No. 1 in the Rights Section, attended in person. The land ("Lye Lane") in this Register Unit is a strip about 300 yards long from north to south, containing according to the Register 0.599 hectares (1.48 acres). Its north end adjoins and is easily accessible from an area ("Wood End Green") of open grass land which adjoins the only public road through, and is near to the centre of Wood End.

Mrs Bath in the course of her evidence said (in effect):- The Parish comprises six hamlets of which Wood End is one. The Parish Council completed the purchase of the commons of the parish on 30 June 1967. They registered the commons sole purchase and their ownership of them under the 1965 Act, but Lye End was omitted from these registrations. It ultimately became registered because Mr Camp applied to register a right to graze 20 cattle in Lye Lane and Wood End Green, but being in a separate Register Unit, nothing was done about the ownership of the Parish Council. Of the common lands acquired by the Parish Council in 1967, they had at various times granted way-leaves across these lands for electric cables, water pipes, access paths and vehicular ways and collected the fees due; but they had done nothing like this in relation to Lye Lane, as there had never been any occasion to do so.

At the hearing I expressed doubt about whether Lye Lane was included in the 1967 purchase of the Council, accordingly on the day after the hearing the original conveyance dated 30 June 1967 was produced. By it the Church Commissioners for England after reciting that they were the Lords of the Manor of Yardley and had agreed with the Parish Council for the sale of them of all their estate and interest as such Lords conveyed to the Parish Council all such estate and interest in the pieces of common or waste land on the said Manor for the purposes of identification coloured pink on the plan annexed and particularised in the Schedule as being Gardners, Moor Green and Munchers Green, Canon's Green, Badgers Green, Wood End and Parkers Green (total acreage 42). Although Wood End is coloured pink on the conveyance plan, Lye Lane is not so coloured. But this permission does not altogether negative the case of the Parish Council under the 1967 purchase because the parcels of the



conveyance include the words "together with all other waste land or road side verge situated in the said Parish and vested in the Commissioners as such Lords as aforesaid".

About 10 days after the hearing I motored across Moor Green, inspected Wood End Green and walked the length of Lye Lane. Lye Lane appears very different from the other two Greens, in that it almost completely overgrown with bushes and scrub; nevertheless there is an easy enough track or path along it from Wood End Green, although such track or path is at its south end appears very little used and it is there obstructed by a fence. Mrs Bath at the hearing mentioned that the local Hunt went down there on 11 January 1981. I inferred that Lye Lane was waste land at the time of the 1967 conveyance.

The 1967 conveyance is open to criticism in that it is in a form suggesting that the Church Commissioners are doubtful about their capacity to convey. But having regard to the situation of the land therein expressly described and the small amount of the consideration (£25), I infer that any doubt they had about their ownership must have been because if they were not the owners the land must have been Parish property already vested in the Parish Council. Mr Camp is 65 years of age, came to the village when he was 3 years old and has known Lye Lane and Wood End Green for 60 years (High Trees Farm is opposite) said that he always regarded Lye Lane to be part of Wood End Green. In these circumstances I conclude that the Parish Council are the owner either under the 1967 conveyance or has been entitled by operation of law all land properly describable as parish properties.

Am therefore satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register Audeley Parish Council as the owner 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 18th day of April 1981.

A. A. Bates Fuller

Commons Commissioner