



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/93

In the Matter of Potten End Village Green,  
Nettleden-with-Potten End

DECISION

This reference relates to the question of the ownership of the above mentioned land being the land comprised in the Land Section of Register Unit No. VG.11 in the Register of Town or Village Greens maintained by the Hertfordshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 at the owner.

Following upon the public notice of this reference Nettleden-with-Potten End Parish Council claimed to be the freehold owner 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 Hertford on 2nd February 1988.

The hearing was attended by Mrs R Pike, Solicitor of Hertfordshire County Council the registration authority and Mrs B Hart and Mrs R Daly representing the Nettleden-with-Potten End Parish Council.

This land was registered upon the application of the Nettleden-with-Potten End Parish Council. There are no rights registered, and no entries in the ownership section of the register.

Mrs Hart on behalf of the Parish Council produced a Conveyance dated the 15th September 1939 made between (1) Peregrine Francis Adelbert Baron Brownslow and Hugh Algernon Parker and (2) the Parish Council of the Parish of Great Berkhamstead Rural. This conveyed to the old Parish Council the whole of the central portion of the unit land. It did not however include the parcel of land to the west of the footpath running diagonally across the unit land, nor the parcel at the south-east corner of the unit land having an area of 0.409 acre. The latter parcel was acquired by the Council by an exchange with Benskins Watford Brewery Limited effected by mutual Conveyances both dated 23rd January 1967.

Mrs Hart said that the Council took possession of the parcel to the west of the footpath in March 1958. She read extracts from the Minutes of the Council dated 14th March 1958, 13th March 1959 and 22nd May 1962 and referred me to other subsequent passages in the Minutes. The first of these reads as follows:-

" Resolved:

That this Council take possession of the plot of land adjoining the Village Green, Potten End, coloured pink on the annexed plan, and that the matter be brought forward annually to ensure that the Council's claim is confirmed when twelve years have elapsed, i.e. in 1970. It was agreed that an explanatory note, together with a plan of the plot, should be affixed to the Notice Board on the Village Green."



The subsequent Minutes then record the Council's claim to "squatter's rights" in respect of the land to the west of the green.

Mrs Hart mentioned the change in Parish Councils, whereby the Nettleden-with-Potten End Parish Council became the successor to the old Parish Council of Great Berkhamstead Rural.

No-one present at the hearing opposed the Council's claim to ownership of the whole of the unit land. Even if I were not satisfied with their claim to ownership of part of the land, it would fall to me to direct the registration authority to register the Council as the owner of thereof pursuant to Section 8(3) and (5) of the Act of 1965.

I am however satisfied on the evidence that the Nettleden-with-Potten End Parish Council is the owner of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register it 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 3<sup>rd</sup> day of March 1988

Commons Commissioner