



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/22

In the Matter of the Chalk Pit to
the west of Hillhead Farm, Langley,
North Hertfordshire District, Hertfordshire

DECISION

This reference relates to the question of the ownership of land being the Chalk Pit to the west of Hillhead Farm, Langley, North Hertfordshire District and being the land comprised in the Land Section of Register Unit No. CL 314 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 Mr J C Doyle said (letter of 25 November 1980) that he had regularly visited this Pit since 1954 to collect fossils, that he was under the impression it was a parish pit used once for road repairing material, that Mr Pucksley who at one time owned a house on the hill above (now owned by Mr Creasey) said the owner might be himself or Hitchin Rural District Council, that the Eastern Electricity Board had a transformer on the land, and that he hoped the Pit could be kept for the benefit and recreation of all, it having a superb ancient chalk grassland flora and fauna as well as being a geological site of special scientific importance; and Mr S R Creasey said (letter of 8 December 1980) that according to his records certain parts and rights over this ground were conveyed to him when he purchased Langley End from the executors of Mr H W L Puxley. 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 15 January 1981. At the hearing Hertfordshire and Middlesex Trust for Nature Conservation Limited on whose application the registration was made were represented by Mr J C Doyle; and Mr Stuart Ronald Creasey of Langley End attended in person.

Mr Doyle said that the Trust does not claim ownership. Mr Creasey said that his deeds which were either at a bank or with a building society would show he was the owner of the land, and asked that the proceedings be adjourned in London in order that they might be produced.

I held the adjourned hearing in London on 9 June 1981. Mr Creasey attended in person and produced (1) a copy of a conveyance dated 6 April 1976 by which Mr G C Cleverley and Mr G F Oakley ("the Vendors") as personal representatives of Mr H W L Puxley (he died 28 September 1973) with the concurrence of Mr J E Palmer conveyed to Mr S R and Mrs R Creasey first the land delineated and edged pink on plans annexed and secondly all the estate interest and rights as the Vendors had power to convey in and over the land hatched green and coloured brown on one of the said plans; and (2) a copy of a conveyance dated 17 August 1978 made by Mrs R Creasey in favour of the witness Mr S R Creasey. Mr Creasey said the relevant part of the 1976 conveyance was the "secondly" above mentioned.



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I was not at the 1981 hearing satisfied that Mr Creasey (with or without Mrs Creasey) or any other person is the owner of this land because I had no evidence that the Vendors under 1976 conveyance had any power to convey it, and no evidence that Mr Creasey (with or without Mrs Creasey) had since acquired any title to it by possession or otherwise; further I was doubtful whether if Mr and Mrs Creasey had ever acquired any such title, her interest had passed to him under the 1978 conveyance. In these circumstances I said I would ~~not~~ give a decision accordingly unless Mr Creasey requested a further public hearing.

Subsequently Mr Creasey wrote (letter of 6 July 1981) that he had made further investigations and would like a further meeting; and wrote (letter of his 7 December 1981) saying that the only information on the proof of ownership is what he had already shown me and the fact that Mr Puxley, the previous owner of Langley End (as stated by Mr Doyle) had mentioned in the conversation that the land either belonged to him or to the North Hertfordshire Council. He added that his reason for wanting control would be to stop the dumping of refuse and motor-cycling scrambling which frequently occurs.

I held a further adjourned hearing in London on 4 March 1982. There was no attendance. For the reasons above stated, on the evidence put before me at the 1981 hearings I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

I record my thanks to Mr Doyle and to Mr Creasey for the trouble they have taken in this matter. I can only hope the powers conferred on local authorities by the said section 9 and possibly other powers available to them will be exercisable for the benefit of the public in general and perhaps also for Mr Doyle and Mr Creasey in particular to some extent at least as they told me they would like.

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 26th — day of March — 1982

a. a. Baden Fuller

Commons Commissioner