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COMMONS REGISTRATION ACT 1965

Reference No 16/U/93

In the Matter of the Gravel Pit, Standon,  
East Hertfordshire District, Hertfordshire

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DECISION

SEE  
SECOND DECISION  
12 DEC 1978

This reference relates to the question of the ownership of land known as the Gravel Pit, Standon, East Hertfordshire District being the land comprised in the Land Section of Register Unit No CL. 170 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 no person claimed to be the freehold owner of the land in question and no 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 8 July 1976. At the hearing Hertfordshire and Middlesex Trust for Nature Conservation Ltd, on whose application the registration was made, were represented by Mr J C Doyle, one of their members, and Standon Parish Council were represented by Mr J Ingham their clerk.

The land ("the Unit Land") comprised in this Register Unit is about half a mile southwest of Standon, being a strip having a frontage to the road of about 500 yards; it is separated from the road by a substantial hedge, except near the middle where there is a gate and at the southwest end where the access is obstructed by a barbed wire fence; for the most part it is between about 40 and 70 yards wide, narrowing towards its northeast end. On the Register map, it is marked as "Allotment Gardens". Mr Doyle said that when the application was made for registration (1966), it was grassland, bounded with some semi-mature trees; now it is almost completely filled in with rubbish, and has become weedy and overgrown subject to dumping by unauthorised persons. When I inspected it 10 days after the hearing, I saw a notice (apparently new) at the southwest end: "PRIVATE : ANYONE FOUND TIPPING RUBBISH WILL BE PROSECUTED".

At the hearing Mrs Pegrum from the County Archivist's Department produced the Standon Inclosure Award dated 18 May 1835 and made under the Standon Inclosure Act 1830, and the Standon Tithe Award dated 22 September 1840. By the 1835 Award, the Commissioner allotted "unto the Surveyor and Surveyors of the Highways within the said Parish of Standon for the time being in trust...for the purpose of getting Stone Chalk and Gravel and other materials as well for the making forming repairing and sustaining the public and private Roadways Walls Bridges and Drains and other works made by virtue of the said recited Acts as also for the repairing and sustaining all other ancient public and private Highways Bridges or Roads within the said Parish and also for the use of the Owners and Proprietors for the time being of Estates within the said Parish of Standon and their Tenants for their own respective necessary uses only within the said Parish but not to be given away or sold exchanged or otherwise or elsewhere used applied or disposed of ...As and for a Public Gravel Pit, One other Plot of Land in Stanborough Common containing two acres one rood and twelve perches bounded on the east and southeast by the new Road leading to Ware by Shadlocks and on the west and north..." From



the Award Plan, I identified the Unit Land with the plot allotted. In the Schedule to the 1840 Award, the Surveyors of the Highways are shown as the landowners and occupiers of this Plot (described as "gravel pit; 2.1.12."); it was treated as non-tithable.

Assuming that the Surveyors of the Highways and their successors never disposed of the Unit Land, it would under the Local Government Act 1894 have vested in the Rural District Council, and if (as seems likely) they never desired the County Council to take it over as contemplated by section 118 of the Local Government Act 1929, the ownership would remain in the Rural District Council until transferred to the East Hertfordshire Council under the Local Government Act 1972.

It is I think unfortunate that I do not know who is now in control of the Unit Land or what the attitude of the District Council may be. But whatever his title or their attitude, from the registration of the Unit Land under the 1965 Act, I infer that it is in some way public land which could appropriately and properly be owned by some public authority. Mr Ingham said that the Parish Council would have no objection to the Unit Land being owned by the District Council.

Having regard to the above considerations, on the evidence provided by the 1835 Award, I am satisfied that the District Council are the owners of the Unit Land, and I shall accordingly direct Hertfordshire County Council as registration authority to register East Hertfordshire District Council as the owner of the land under section 3(2) of the Act of 1965. However because the District Council may have not known of or have forgotten the 1835 Award or may have some good reason for objecting to the Unit Land being vested in them, I give them liberty to apply within 8 weeks from the date on which notice of this decision is sent to them, to me to set aside this decision and reopen the hearing; any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.

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 5 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 4<sup>th</sup> day of August 1976

a. a. Baden Fuller

Commons Commissioner