



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/3

In the Matter of The Mead,
Aspenden, Hertfordshire

DECISION

This reference relates to the question of the ownership of Land known as The Mead, Aspenden, being the land comprised in the Land Section of Register Unit No.V.G.7 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 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.

On behalf of the Aspenden Parish Council evidence was given by Mr. P.G. Campfield who is and has been for about 3 years acting clerk of the Council, is and has been for about 16 years a member of the Council and had been Chairman of the Council from 1960 to 1969. He said that part of the land had become vested in the Council under a conveyance dated 31st December 1912 which was held by the Council and which he produced to me.

The conveyance was made between J.W.B. Band and another (the Vendors) and the Parish Council of Aspenden (the Council). It recited that W. Butt who died on 3rd December 1911 was at his death seised of the land thereby conveyed for an estate in fee simple, that the Vendors were his proving executors and that the Council was desirous of acquiring the land for the enlarging of the recreation ground of the parish. It was by the conveyance witnessed that the Vendors in consideration of £40 conveyed to the Council in fee simple a piece of pasture land containing two acres to the west of the Aspenden Recreation Ground, being delineated on the plan drawn on an inclosure award dated 18th November 1869 and on the plan drawn thereon. I identify the land so conveyed as the western part of the land the subject of this reference (the eastern part consists of a piece of land triangular in shape).

Mr. Campfield said that as far back as he can remember the whole of the land the subject of this reference had been used as one recreation ground primarily as a cricket field with no apparent boundary between the two parts above mentioned, the grass being cut by the cricket club under an arrangement with the Council. In 1960 the Council erected playground equipment. Recently the Council had erected a new pavilion in the place of one which Mr. Campfield said was erected (so he thought) in 1912. From time to time village fetes were held on the land.

The title of the Council to the western part seems to me to be established by the conveyance and the use made of that part since 1912. Notwithstanding the absence of any documentary title to the remaining part (apart from the statement in the conveyance that it was then a recreation ground) I consider that the Council have been in possession of it for at least 30 years and that it is reasonable to assume that the title of the true owner (if it be not the Council) has by now been extinguished by the Limitation Act.



-2-

For these reasons I am satisfied that Aspenden Parish Council is the owner of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register Aspenden Parish Council as the owner of the land.

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.

a. a. Baden Fuller

Dated this *9th* day of *May* 1972

Commons Commissioner