



COMMONS REGISTRATION ACT 1965

Reference No 16/U/111

In the Matter of the track
leading from Bradden Lane,
Gaddesden, Dacorum District,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land being a track leading from Bradden Lane, Gaddesden, Dacorum District being the land comprised in the Land Section of Register Unit No CL. 203 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 6 June 1978. At the hearing (1) Mr Harry Gurney of Hatches Farm, Gaddesden Row and (2) Mr Arthur John Catling of Widmore Farm, Gaddesden Row were present in person.

The land ("the Unit Land") in this Register Unit is a strip about $\frac{1}{4}$ of a mile long leading northwestwards off Bradden Lane; at its entrance it appears to be a track between two nearby hedges, but it gets wider further away from the Lane, and at its furthest (northwest) end is about 20 or 30 yards wide. Widmore Farm House is about 200 yards northeast of the entrance to the Unit Land and on the same side of the Lane. Hatches Farm House is at the entrance on the opposite side of the Lane.

Mr Gurney in the course of his evidence said (in effect):- He had been in the place for 60 years; he took over Hatches Farm in 1938 and had owned since 1950. At the northwest end of the Unit Land there used to be a pond - a common pond to which people came for water; there was along the Unit Land a stone road leading up to the pond. This use of the water ceased (other more convenient sources having become available); the Unit Land was then misused by lorries with earth etc from building operations driving up it and depositing their loads in the pond, and elsewhere on the Unit Land. There is still a little water in the pond; formerly it was quite a big pond. At one time he had mowed the grass and cut the elm stems from the side of the road, more to keep it tidy; then you could get a car up it. Now because of the tipping there it would be difficult to drive on parts without a bulldozer.

Mr Catling in the course of his evidence produced a letter dated 13 May 1977 from Hertfordshire County Council to himself and a conveyance dated 6 August 1948 by which Mr F F Timms and Mr W Butterfield conveyed to him the farm, farmhouse, brick kiln etc containing 39.430 acres as therein described by reference to an annexed plan. He claimed to be the owner of the Unit Land on the grounds that it passed to him under the 1948 conveyance.



The parcels of this conveyance and the plan annexed to it in my opinion show quite clearly that the parties did not by the conveyance intend to pass any of the Unit Land. Mr Catling (as I understood him) contended that I should deduce such an intention, because the true area of Widmore Farm without the Unit Land was 38.368 acres (1.062 acres short of the 39.430 acres mentioned in the conveyance) and that as the OS map of the Unit Land showed it as containing 1.064 acres, the only way in which he could get the 39.430 acres mentioned in the conveyance would be to read it as including the Unit Land; I regard this contention as being without substance, the conveyance being (as above stated) quite clear.

Mr Gurney claimed ownership; but as I understood it only on the basis that if Mr Catling by virtue of his ownership of Widmore Farm succeeded in convincing me (as he has not) that he has some interest in the Unit Land, he Mr Gurney should have a similar interest by virtue of his ownership of Hatches Farm. So I need say no more than in the absence of any evidence that anyone other than Mr Catling and Mr Gurney could be the owner, 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 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 June

1978

a. a. Baden Fuller

Commons Commissioner