



COMMONS REGISTRATION ACT 1965

Reference No.16/D/9

In the Matter of The Village Pond,
Haultwick, Little Munden, Hertfordshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.163 in the Register of Common Land maintained by the Hertfordshire County Council and is occasioned by Objection No.5 made by Mr. Jack Hill and noted in the Register on 20th November 1968.

I held a hearing for the purpose of inquiring into the dispute at Hertford on 16th January 1973. The hearing was attended by Mrs. A. Bolton, the Clerk of the Little Munden Parish Council, the applicants for the registration, and by Mr. Hill.

Despite its name, the land the subject of this reference is a pond no longer. It is shown coloured blue on the map referred to in the Inclosure Award made under the Second Annual Inclosure Act 1856, and it was still a pond in the early years of living memory. It seems probable that this pond was waste land of the manor of Little Munden and I propose to deal with this case on that basis.

In its latter days as a pond the Hertfordshire County Council, as highway authority, drained water from the adjoining roads into it, any overflow going into a ditch. In 1958 Mr. Hill purchased the land to the south and east of the pond, the pond itself being excluded from his conveyance. Mr. Hill erected a bungalow and a garage on his land and wished to fill in the pond, since rubbish was being put into it. He approached the County Council, which raised no objection to his filling it in, provided that he laid pipes across it to carry away the water from the roads to what had been the overflow. Having filled in the pond without objection from anybody, Mr. Hill has since used it as part of his garden.

In my view, the effect of Mr. Hill's adverse possession since he filled in the pond and incorporated it in his garden in 1958 has been to extinguish the title of the previous owner and to give him a good possessory title. Even if, as appears to have been the case, the pond was formerly waste land of the manor, it has now become severed from the lordship of the manor and has therefore lost its status as waste land of the manor: cf. The Old Ford, Holcombe, Newington, Oxfordshire (1972), 29/D/4.

For these reasons I refuse to confirm the registration.

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 24th day of January 1973.


Chief Commons Commissioner