



In the Matter of Brick-Kiln Green and Lower
Green, Wethersfield, Braintree D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. VG 41 in the Register of Town or Village Greens maintained by the Essex 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 B E Terry and Mr P R E Turner claimed to own different parts of the land in question ("the Unit land"). No other 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 Chelmsford on 30 November 1982.

At the hearing Mr Terry appeared in person. He produced a Conveyance dated 4 December 1962 by which William F Beere conveyed to Mr Terry a piece of land of 1 rood 24 perches with the dwelling house known as Rosemary Cottage. The area conveyed appears to include a strip of the unit land at its north-eastern edge. Beyond this strip and some 29 ft from the front of the Cottage is a track and on the part ("the further part") of the unit land from the strip to the edge of the track is land on which during the past 20 years Mr Terry has planted trees and laid a rubble foundation as a path to the Cottage, and which he has maintained by cutting the grass. On this evidence I am satisfied that he is the owner of the strip comprised in the Conveyance together with the further part.

As to the remainder of the unit land, there was no appearance by Mr Turner or any other claimant, and in the absence of evidence I am not satisfied that any person is the owner. In the result, under section 8(2) and 8(3) of the Act of 1965 I shall direct the Essex County Council, as registration authority, to register Mr B E Terry as owner of the strip and the further part, and to register Wethersfield Parish Council as the owner of the remainder.

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.

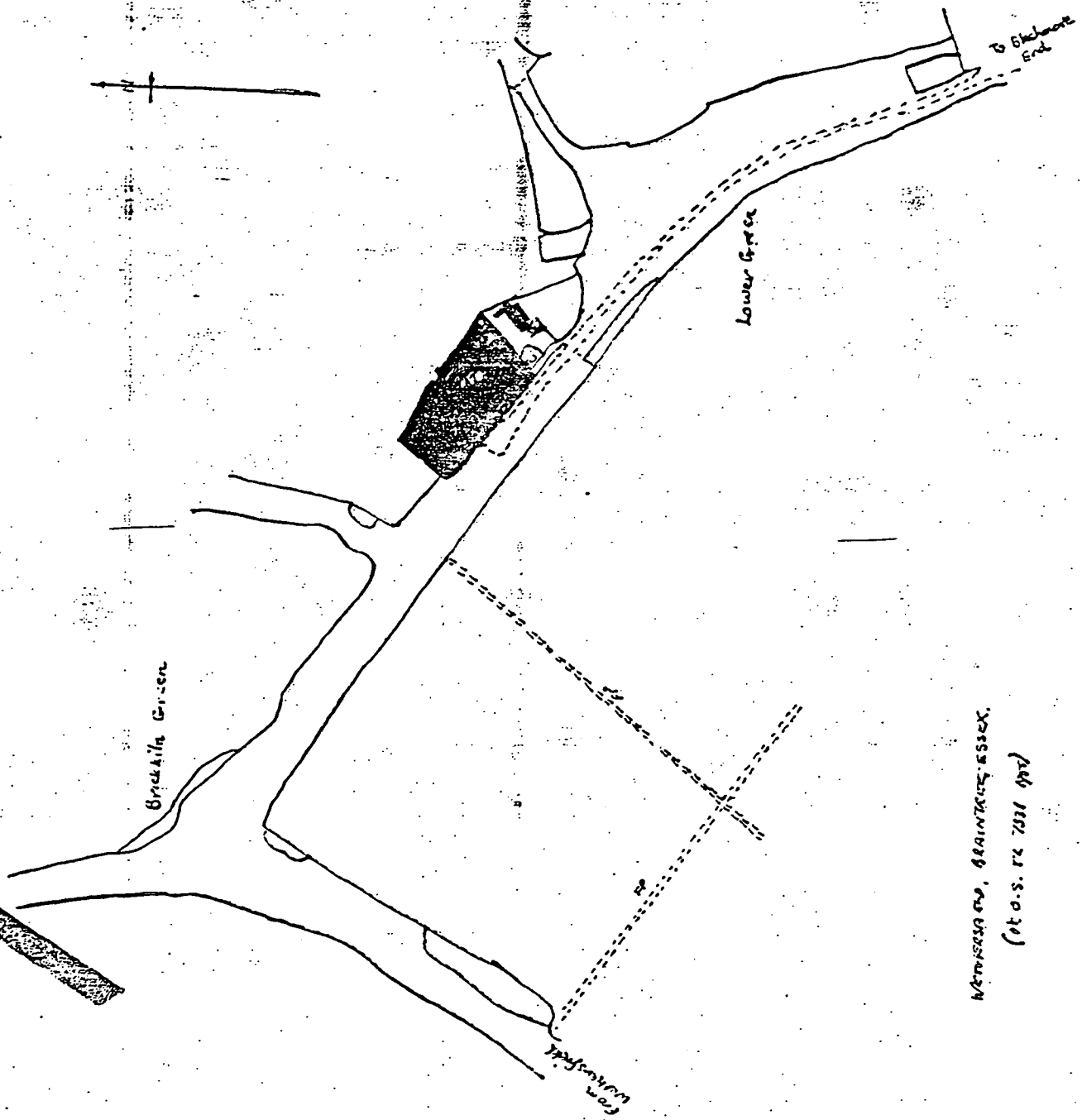
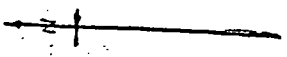
Dated

15 December

1982

L. J. Harris Smith

Commons Commissioner



WATSONS, BRIMINGHAM, ESSEX.

(P.O.S. 12 731 97)

Scale: 1/400

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