

COMMONS REGISTRATION ACT 1965



Reference No. 212/4/246

In the Matter of East End Green (part), Brightlingsea,
Essex.

DECISION

This reference relates to the question of the ownership of land known as East End Green (part), Brightlingsea, being the land comprised in the Land Section of Register Unit No. CL.267 in the Register of Common Land 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 D L Hammerton claimed to be the freehold owner of the land in question, and 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 land at Colchester on 8 December 1983. At the hearing Mr Hammerton and his wife were represented by Mr R J H Ward, Solicitor.

The land the subject of the reference is the part of East End Green on the South-eastern side of Hill Street ~~South~~, South-westward of East End Farm. A part of it running from north-west to south-east consists of a lane leading from Hill Street. The southern part of this lane lies within O S No. 314. O S. No. 314 was conveyed to Mr Hammerton by a conveyance made 23 October 1968 between (1) Harold Warren and Ruby Violet Warren his wife (2) Derek Leonard Hammerton and was further conveyed to Mr and Mrs Hammerton by a conveyance made 4 April 1967 between (1) D L Hammerton (2) D L Hammerton and Gladys May Hammerton.

Another part of the land comprised in the Register Unit on the south-eastern side of Hill Street was conveyed to Mr and Mrs Hammerton by a conveyance made 4 September 1968 between (1) Highpoint Caravan Park Ltd (2) D L Hammerton and G M Hammerton. Highpoint Caravan Park Ltd acquired the land by a conveyance made 23 October 1962 from Mr and Mrs Warren.

On this evidence I am satisfied that Mr and Mrs Hammerton are the owners of parts of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register them as the owners of those parts under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, which 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

16th

day of

December

1983

G. G. G. G.
Chief Commons Commissioner