



COMMONS REGISTRATION ACT 1965

Reference Nos 212/D/89
212/D/90
212/D/91

In the Matter of Hatfield Heath
and Lea Green, Hatfield Broad Oak,
Uttlesford District, Essex

DECISION.

These disputes relate to the registrations at Entry Nos 1, 2 and 3 (D/91, D/90 and D/89 respectively) in the Rights Section of Register Unit No. VG231 in the Register of Town or Village Greens maintained by the Essex County Council and is occasioned by Objection No. 109 made by Walters Vandercom & Hart and noted in the Register on 14 June 1975 (formerly noted in the Common Land Register (Unit No. CL54) on 27 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Chelmsford on 21 February 1979. At the hearing Mr Norman Guss Reynolds on whose application the registration at Entry No. 1 was made, was represented by Mr P H Gee solicitor of William Gee & Son, Solicitors of Bishops Stortford.

The land ("the Unit Land") in this Register Unit is an irregularly shaped piece of which the main area (a little over $\frac{1}{4}$ mile long) is Hatfield Heath, and the next largest area (a comparatively narrow strip) is Lea Green; the Unit Land includes five small adjacent road islands. In the Ownership Section Mr Cecil Henry Gosling is registered as the owner of all the Unit Land. There are only 3 registrations in the Rights Section, being those with which I am concerned.

The registration at Entry No. 1 is of a right attached to Heath View "to graze 2 ponies 12 geese 20 ducks 25 chickens". I have a letter dated 14 February 1979 from Walters Vandercom & Hart in which they say that the Executors of Mr Gosling do not wish to pursue the Objection lodged against the rights registered by Mr N G Reynolds under Entry No. 1. There is nothing in the Objection to show whether Walters Vandercom & Hart made it on their own account or as agents for Mr Gosling or anyone else; but however this may be, I can I think properly conclude that the Objection is in relation to Entry No. 1 wholly withdrawn.

Mr Gee said that Mr Reynolds conceded that the registration should not have included "20 ducks 25 chickens", but ~~that~~ he was prepared to call evidence in support of the right to graze 2 ponies and 12 geese. But for the Objection, the registration would have become final by the operation of section 7 of the 1965 Act. I consider I can now that the objection has been withdrawn, without hearing any evidence, properly produce the same result, and conclude as I do, that the registration (apart from the ducks and chickens) was properly made. Accordingly I confirm the the registration at Entry No. 1 with the modification that for "2 ponies 12 geese 20 ducks 25 chickens" there be substituted "2 ponies and 12 geese".

The registration at Entry No. 2 was made on the application of Miss Margaret Austin; I have a paper received in the office of the Commons Commissioners on 7 June 1974 and signed by her and by Walters Vandercom & Hart inviting the Commons Commissioner to delete this registration. The registration at Entry No. 3 was made on the



the application of M/s Anne Elizabeth Hebblethwaite, and is of a right attached to Little Eden to graze 12 geese, 3 ponies and 2 donkeys over the part of the Unit Land west of the B.1005 road from Hatfield Heath to Bishops Stortford (a comparatively very small part); I have a paper received in the office of the Commons Commissioners on 30 May 1974 signed by M/s Hebblethwaite and Walters Vandercom & Hart inviting the Commons Commissioner to confirm this registration. In view of these 2 papers, I refuse to confirm the registration at Entry No. 2 and I confirm the registration at Entry No. 3 without any modification.

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 8th — day of March — 1979

a. a. Baden Fuller

Commons Commissioner