



In the Matter of Land at Stondon Massey, Brentwood D

DECISION

This reference relates to the question of the ownership of land described above being the parts of the land comprised in the Land Section of Register Unit No. CL 480 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 and which is not registered freehold under the Land Registration Acts.

Following upon the public notice of this reference Stondon Massey Parish Council 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 the land at Chelmsford on 21 July 1983. At the hearing the Parish Council was represented by its Chairman, Mr A R H Shepherd, who has been a member of the Council since 1958.

The parts of the land of which there is no registered owner and with which this inquiry is concerned, are, as described in the Reference and there lettered (a) to (d), four in number. (a) Two pieces on the S side of Back Lane, SW of the junction opposite Soap House. These, Mr Shepherd told me, have been maintained by the Council for some 25 years: they are now a conservation area and the Council still looks after the shrubs and trees and has removed a diseased elm.

(b) On N side of Ongar Road, an access to accommodation way, W of Cannon's Farm. This is a grass lane called Picketts Lane on which the parishioners walk but it is not maintained by the Council.

(c) Part of OS Field No. 192 west of road from Typ's Cross to Whipples Farm. Ownership is not claimed by the Parish Council.

(d) A strip on S side of Ongar Road, to the east of Little Myles's. This has a hard stone surface and is used as a car park for the Village Hall. It has been maintained by the Council, both before and since 1958.

On this evidence I am satisfied that the Parish Council is the owner of the parts described under (a) and (d) above, and I shall accordingly direct the Essex County Council, as registration authority, to register the Parish Council as the owner under section 8(2) of the Act of 1965. As to the remaining parts of which there is no owner registered, I am not satisfied that any person is the owner and they 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

21 October

1983

*H. Morris Smith*

Commons Commissioner