

COMMONS REGISTRATION ACT 1965



Reference No. 212/U/275

In the Matter of Land near Croy's Grange, Great Easton, Uttlesford 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. CI 457 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 claims to ownership of the land in question ("the Unit land") were made by Mrs M D Blakey and by Mr F Pickford.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chelmsford on 19 July 1983: this hearing was adjourned and resumed at Colchester on 30 October 1984. At the original hearing Mrs Blakey and Mr Pickford appeared in person, and Mrs Blakey was also present at the resumed hearing.

Giving evidence, Mrs Blakey said that in 1937 her parents became tenants of a property called Bridgefoot, which adjoins the unit land on its eastern side. In 1943 they purchased this property, and she came to live with them there during the war. After the deaths of her parents she in 1983 became owner of the property. The family had made use of the unit land: there is access from the garden of Bridgefoot to the northern part of the Unit land and their pony and trap were tethered and parked on this. Delivery is made across the Unit land of pig foods and a tanker comes across it to empty the cesspool, this being the only way of access. She herself has cut the nettles and grass twice a year. The unit land is not generally used by the public except pedestrians.

Mr Pickford based his claim on a document of 1959 which he put forward as a transfer of the Unit land to him by the then owner, a Mr Grenville. Mr Pickford told me that when he was starting a building development on nearby land he contemplated taking a sewage pipe under the Unit land, and that Mr Grenville was agreeable to letting him have ownership of the Unit land. In the end he did not need the unit land, and had forgotten about the transfer and had never acted as owner of the land. The transfer was not under seal and I expressed doubt whether, whatever the proper interpretation of the document, it was effective to transfer the ownership to him: and I adjourned the hearing to enable Mr Pickford to seek legal advice as to the effect of the transaction.

Mr Pickford did not attend the resumed hearing and in my opinion his claim to ownership has not been established. As regards Mrs Blakey's claim, I accept her evidence but I do not think the activities on the Unit land which she described constituted adverse possession sufficient to establish a squatter's title or amounted to acts of ownership of the Unit land. It may be that there are rights of access to her property across the Unit land, but this is not a matter for me to decide.

In the result, I am not satisfied that any person is the owner of the land, and it 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

10 January 1965

*L. J. Morris Smith*

Commons Commissioner