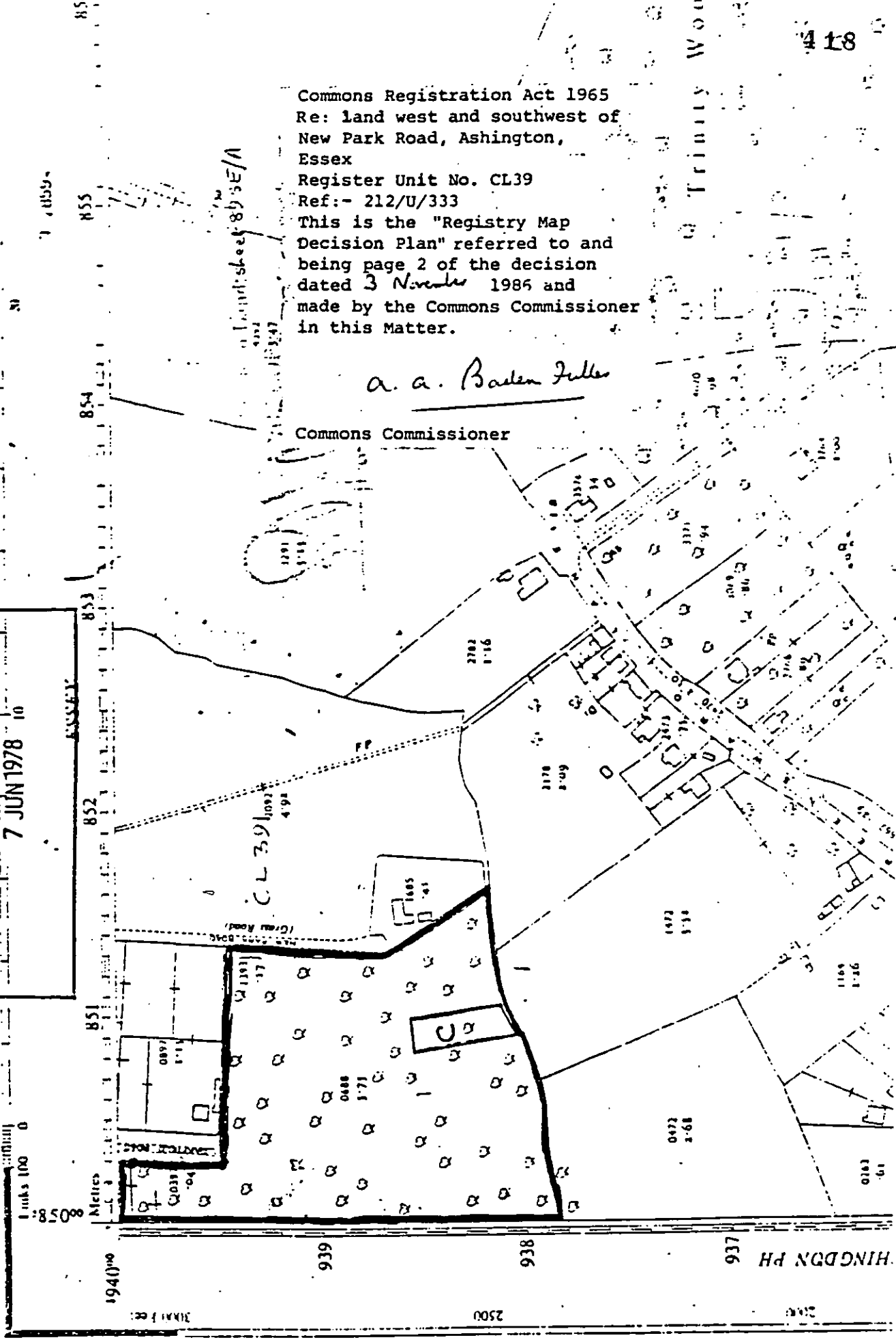


Scale: 1:2500 or 25 inches to 1

COMMONS REGISTRATION ACT 1965
ESSEX COUNTY COUNCIL
REGISTRATION AUTHORITY
7 JUN 1978 10

PLAN TQ8593



Commons Registration Act 1965
 Re: land west and southwest of
 New Park Road, Ashington,
 Essex
 Register Unit No. CL39
 Ref:- 212/U/333
 This is the "Registry Map
 Decision Plan" referred to and
 being page 2 of the decision
 dated 3 November 1986 and
 made by the Commons Commissioner
 in this Matter.

a. a. Barden Fuller

Commons Commissioner

89 SE/A

CL 39

Links 100 0

Meters 8058

1940

939

938

937

2500

2000

HINDON PH

TRINITY WOOD



- 3 -

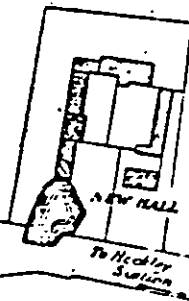
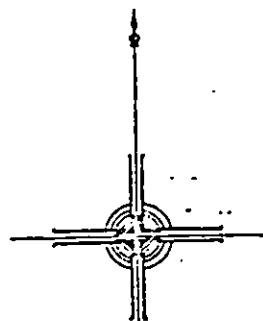
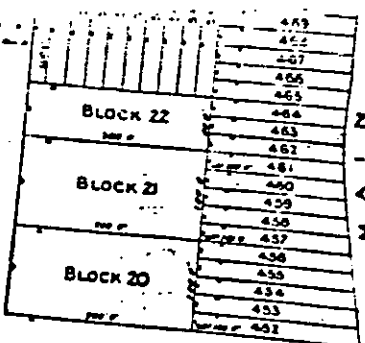
taken place albeit very scattered and only portions of un-made road exist. No other person claimed to be the freehold owner of the Referred Part or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the Referred Part at Chelmsford on 16 April 1986. At the hearing (1) Mr Maclean Harry solicitor of Southend-on-Sea represented Mr Steven William Dove, Mr Raymond Roger James Dove and Mr William Joseph Edward Dove; (2) Mr M Nossel solicitor of Michael Thomas & Partners, Solicitors of Basildon represented Mr John David Drew; and (3) Mr F R Lockhart solicitor of Jeffreys Solicitors of Southend-on-Sea represented Ashington Parish Council, two of their members, Mr Cyril Pohl and Mr Bernard Crick being present.

At the hearing oral evidence was given by Mr John David Drew and Mr William Joseph Edward Dove in the course of which they produced the documents specified in Parts II, III and IV of the Schedule hereto. Finding the documents produced difficult to understand, on 12 July 1986 I inspected the Unit Land in the presence of Mr Bernard Crick (now chairman of Ashington Parish Council), Mr J D Drew and Mr W J E Dove.

The documents so produced show a regularly deduced "paper" title in Mr J D Drew to the plot numbered 732 on the plan annexed to the 1903 conveyance (JDD/1), in Messrs W J E and R R J Dove to the plots numbered 794, 795, 801, 802, 853 and 854 on the plan annexed to the 1909 conveyance (WJED/2), and in Mr R R J Dove and Mr S W Dove to the plots numbered 787 and 788 and numbered 789 and 790 respectively on the plan annexed to the 1904 conveyance (WJED/15). Uncoloured copies of the said plans ("the J D Drew, 1903 Decision Plan", "the W J and R R J Dove, 1909 Decision Plan" and "the R R J Dove and S W Dove 1903 Decision Plan") with an addition by myself showing the areas on the originals coloured red are pages 4, 5 and 6 of this decision. These plans show an area of land about 700 yards long from north to south and about 300 yards wide entitled "Fairview Building Estate: 2nd Portion", the southern half of which includes named roads (1) New Park Road going southwards from the corner of the main road, and after a short distance turning west, (2) Cavendish Road turning west off New Park Road a short distance from the corner of the main road, and (3) Oakfield Road and Kingswood Road connecting Cavendish Road with the east-west part of New Park Road. This southern half is on these plans shown (apart from the roads) as about 295 different plots numbered from 446 to 451 and 571 to 861. The said plans, apart from Cavendish Road and the north-south part of New Park Road are wholly different from the Registry map Decision Plan being page 2 of this decision.

At the hearing about this difference, oral evidence was given by Mr John David Drew who said (in effect):- He is a thatcher, aged 38 years. He claimed to own plot 732 dealt with in the documents he produced and numbered 732 on the J D Drew, 1903 Decision Plan. The plot is an oblong piece of land on which he had stored thatching material for about 14 years. There is a fence (metal chain link) on the south side and on the west side, and trees and bushes on the north side. New Park Road (as marked on the J D Drew 1903 Decision Plan) from north to south looks like a road in that you can get a car down it, but from east to west it does not look like a road, being trees and bushes. The plot is about 150/160 feet, about 20 feet at the front, and 60 feet at the back. His father, Arthur Thomas Drew purchased it in 1964 (JDD/4), and it was then



Commons Registration Act 1965
 Re: land west and southwest of
 New Park Road, Ashington,
 Essex

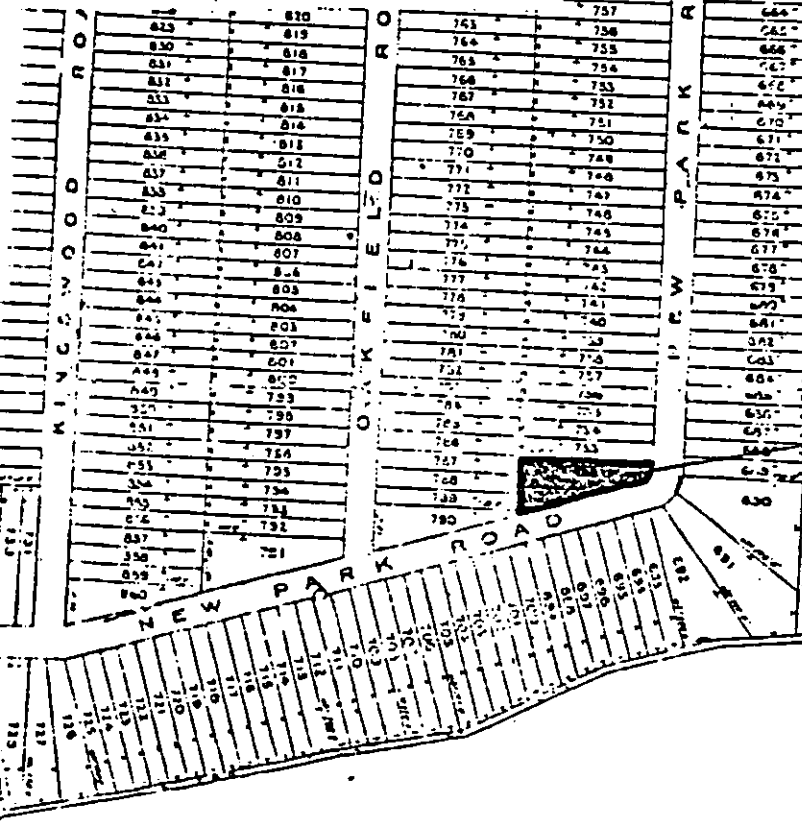
Register Unit No. CL39

Ref:- 212/W/333

This is the "J D Drew, 1903
 Decision Plan" referred to and
 being page 4 of the decision
 dated 3 November 1986 and
 made by the Commons Commissioner
 in this Matter.

a. a. Baden Fuller

Commons Commissioner



RED
732

Scale of feet

FAIRVIEW BUILDING ESTATE. HOCKLEY NEAR SOUTHEND ON SEA.

Commons Registration Act 1965
Re: land west and southwest of
New Park Road, Ashington,
Essex

Register Unit No. CL39

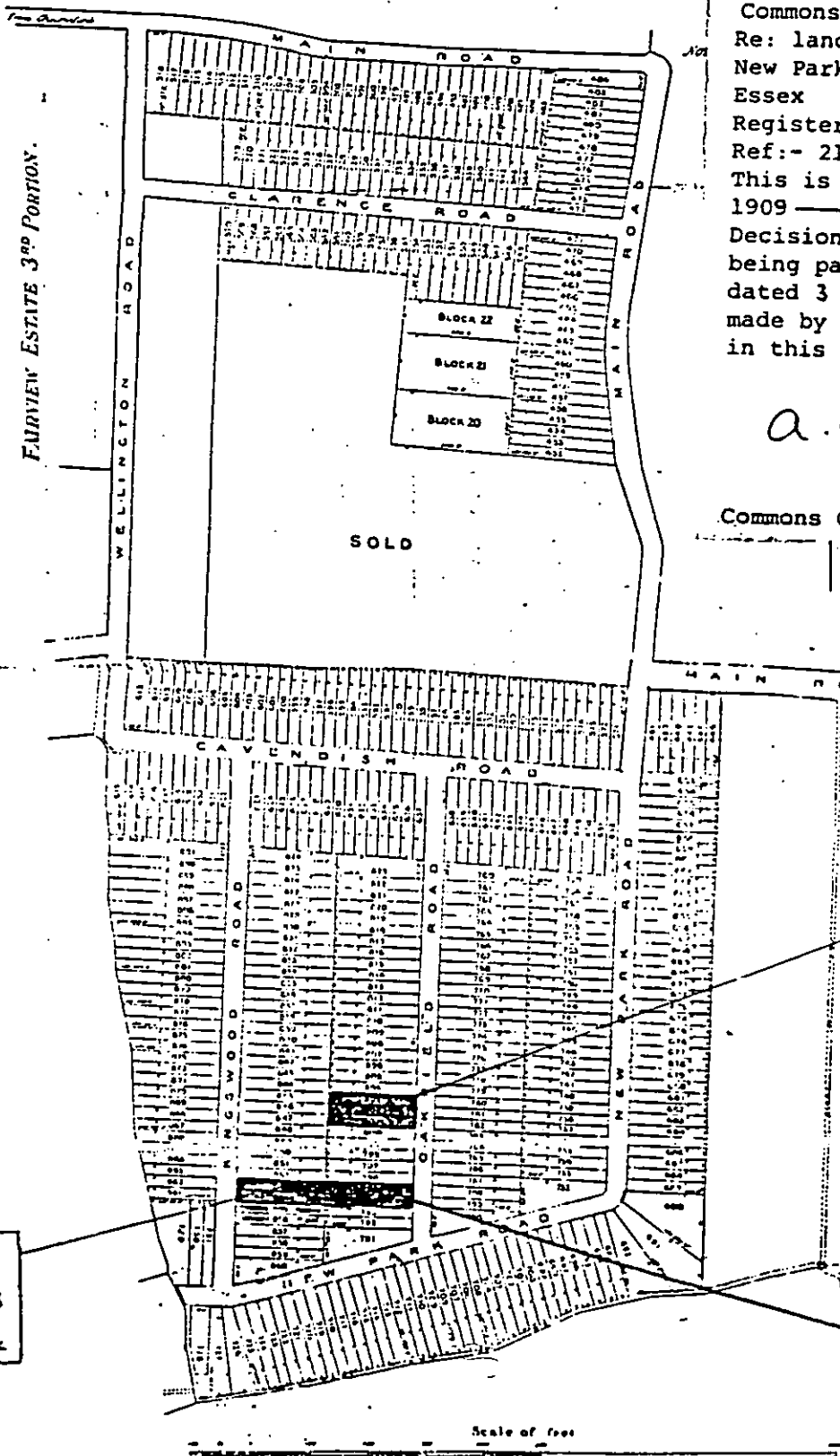
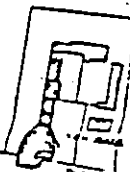
Ref:- 212/U/333

This is the "W J and R R J Dove,
1909" →

Decision Plan" referred to and
being page 5 of the decision
dated 3 November 1986 and
made by the Commons Commissioner
in this Matter.

a. a. Baden Fuller

Commons Commissioner



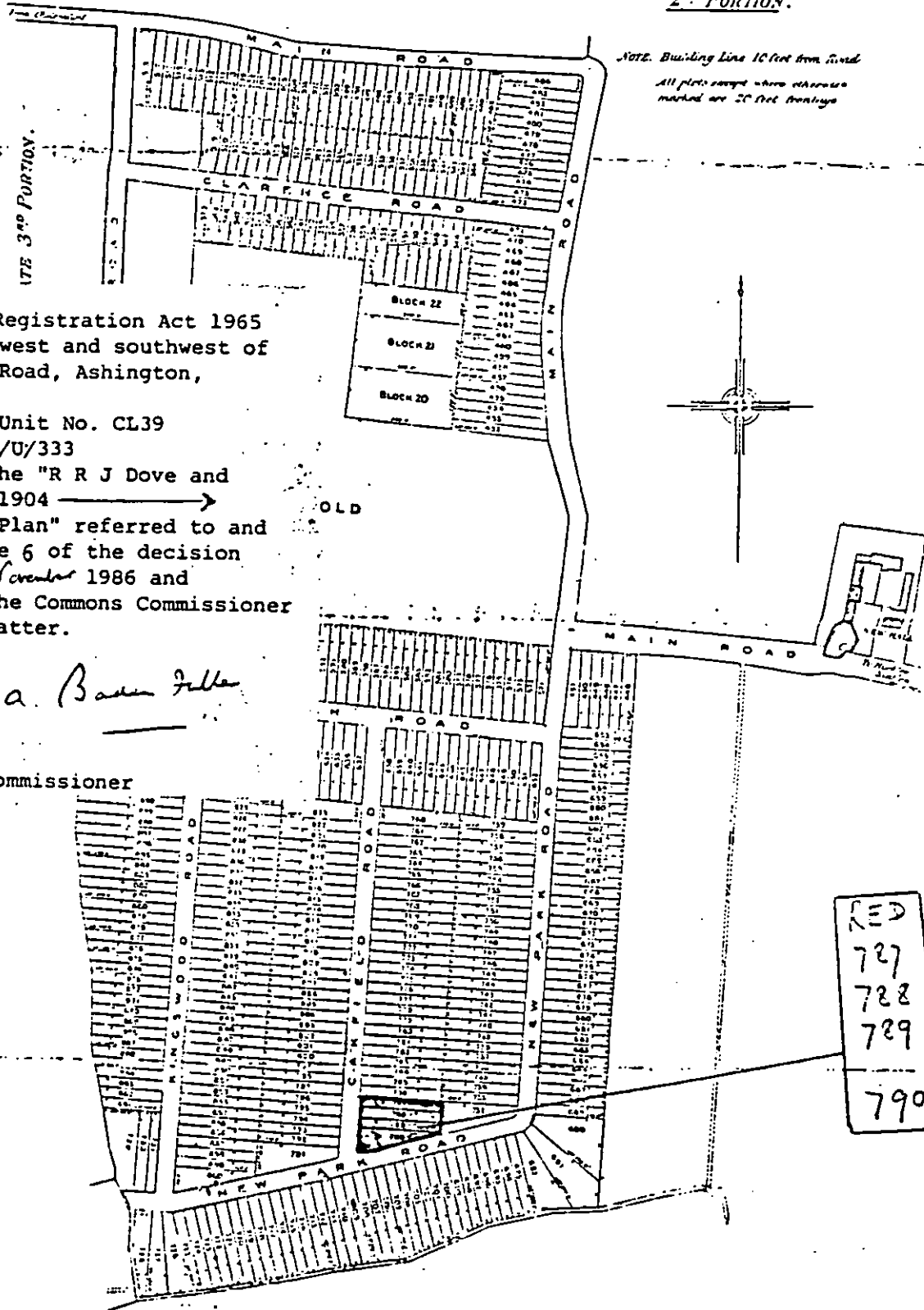
RED
853
854

RED
203
802
801

RED
795
794

FAIRVIEW BUILDING ESTATE. HOCKLEY NEAR SOUTHEND ON SEA.

2ND PORTION.



Commons Registration Act 1965
 Re: land west and southwest of
 New Park Road, Ashington,
 Essex
 Register Unit No. CL39
 Ref:- 212/U/333
 This is the "R R J Dove and
 S W Dove 1904" →
 Decision Plan" referred to and
 being page 6 of the decision
 dated 3 November 1986 and
 made by the Commons Commissioner
 in this Matter.

a. a. Bannister

Commons Commissioner

Scale of feet



- 7 -

bushes and shrub; he cleared it; since he purchased it it has been used for storing reeds, straw, rush like plants called sedge, one or two scaffold poles, and hazel wood for spas and pegs. Before his mother's gift to him (JDD/7), his brother left a derelict car on the plot but he (the witness) was able to use it as well for thatching material; afterwards no one had used it but him.

Mr William Joseph Edward Dove in the course of his oral evidence said (in effect):- Steven William Dove is his elder son and Raymond Roger James Dove is his brother. In 1982 he and his brother were approached by Mr and Mrs Mullahy and they agreed to purchase from them (conveyance WJED/1). In 1983 his brother and his son purchased from Mrs B F M Wells (conveyances WJED/13 and 14). About six months after purchasing all the 13 plots, they started operations on them, clearing Oakfield Road which in 1983 was not very visible just "an old and rusty road sign". There was some indications of the boundaries of the plots having been established by hedges and they erected along the boundaries wire fencing with poles. He, his son and his brother visited the plots for varying reasons. His brother would go there with his children and friends and used to take scouts and cubs up there. He (the witness) used to go there, sometimes taking sausages and cooking them on the land. Some of the wire boundaries they had put up had been pulled down; other boundaries with pegs are clearly marked. Nobody had disputed their ownership.

Mr Crick said that the Parish Council having registered the land, had been considering what were their duties and powers in respect of it, eg could it be made available as "common land" and should the part of New Park Road which runs west-south-west be cleared.

During the discussion as to the effect of the documents produced and the oral evidence given, particularly as to how plots described in the documents could in my decision be identified with the Unit Land as described in the Register, there was produced the plan (WJED/20) specified in Part V of the Schedule hereto. Page 8 of this decision ("the Location Decision Plan") is an uncoloured copy of the said plan on which I have thickened in black the boundary of the Unit Land, outlined in black plot 732 claimed by Mr Drew, and indicated the numbers of the plots with which I am concerned.

On the evidence above summarised and what I saw on my inspection, I am satisfied that Mr Drew and Messrs Dove are the owners of the plots by Mr Humm conveyed to their predecessors in title. The exact situation of these plots on the ground in relation to the boundaries of the Unit Land as they appeared when I walked over the relevant parts of it, is or may be doubtful; the ground either side of some possible boundaries looked much the same, and Kingswood Road as marked on Mr Humm's conveyance plans with building plots on either side, as such does not exist, such plots appearing now as part of a field. Further I was uncertain whether

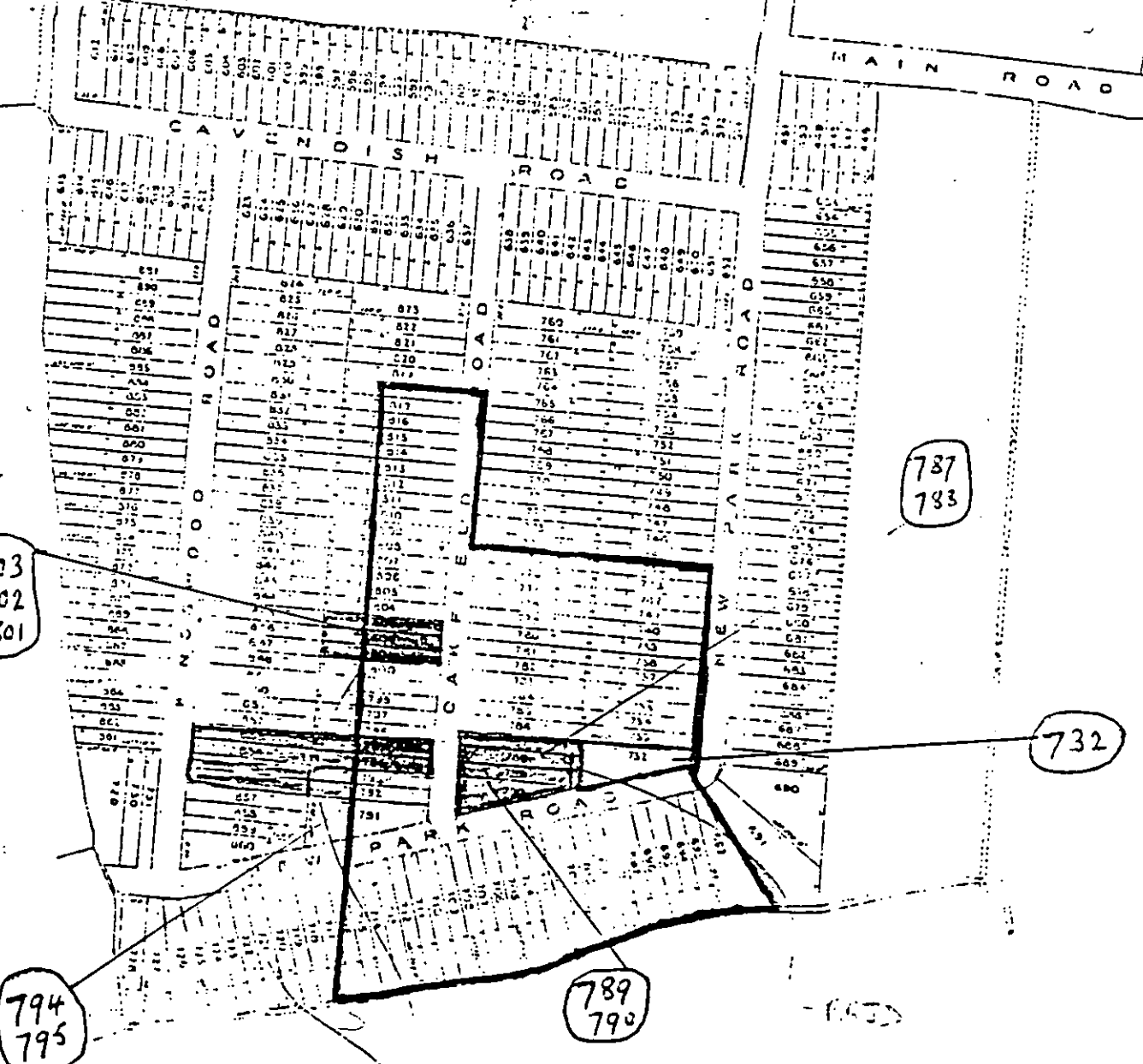
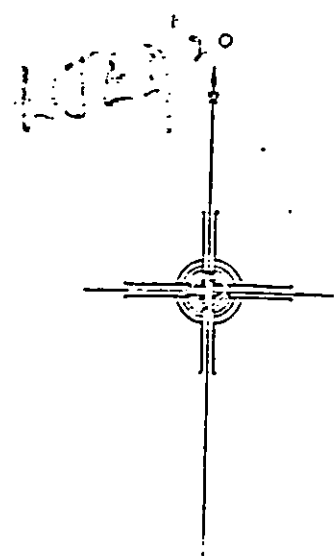
FAIRVIEW ESTATE 300 170

WELLINGTON ROAD

CLAREBURY ROAD

Commons Registration Act 1965
 Re: land west and southwest of
 New Park Road, Ashington,
 Essex
 Register Unit No. CL39
 Ref:- 212/U/333
 This is the "Location
 Decision Plan" referred to and
 being page 8 of the decision
 dated 3 November 1986 and
 made by the Commons Commissioner
 in this Matter.

a. a. Baden Fuller
 Commons Commissioner



803
802
801

787
783

732

794
795

789
790

Station Point



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the fences and other features pointed out to me by Mr Drew and Mr Dove as indicating the extent of their recent use and occupation were all on lines delineated on Mr Humm's conveyance plans. However I need not resolve any doubts there may be, because in my opinion the things done on the Unit Land as described by Mr Drew and Mr Dove by themselves and others have not continued for long enough or been done with sufficient precision to enlarge or otherwise change by possession the boundary of any ownership they have got as successors of Mr Humm. For the purposes of this decision it is enough that plots 853 and 854 are clearly outside the Unit Land, plots 732, 787, 788, 789 and 790 are wholly within the Unit Land and the eastern parts of plots 794, 795, 801, 802 and 803 are within although the western parts are outside the Unit Land.

Upon the above considerations I give my decision as to the present ownership of the parts claimed by Mr Drew and Messrs Dove by reference to the conveyance plans of Mr Humm, this being precise enough for all now foreseeable practical purposes. Accordingly pursuant to section 8(2) of the 1965 Act I shall direct Essex County Council to register (1) Mr John David Drew of 91 Orchard Avenue, Hockley, Essex, (2) Mr William Joseph Edward Dove and Mr Raymond Roger James Dove both of 34 Southview Drive, Westcliff-on-Sea, (3) the said Mr Raymond Roger James Dove, and (4) Mr Steven William Dove also of 34 Southview Drive, Westcliff-on-Sea as owners respectively of (1) the part of the Unit Land delineated on the H J Drew 1903 Decision Plan and thereon numbered 732 being the same part as is on the Location Decision Plan so numbered; (2) the part of the Unit Land delineated on the W J and R R J Dove 1908 Decision Plan and thereon numbered 794, 795, 801, 802 and 803 being the same parts as are on the Location Decision Plan so numbered; (3) the part of the Unit Land delineated on the R R J Dove and the S W Dove 1904 Decision Plan thereon numbered 787 and 788, being the same part as is on the Location Decision Plan so numbered; and (4) the part of the Unit Land delineated on the R R J Dove and S W Dove 1904 Decision Plan thereon numbered 789 and 790, being the same part as is on the Location Decision Plan so numbered. I am not concerned with the Land Registry Part.

As to the remaining parts, as was pointed out by Mr Crick during my inspection, to anyone concerned with making the best use of them in the interests of those living in the locality or of other members of the public, they present a number of problems, being (among other reasons) the cost and difficulty of clearing and effectively protecting these parts so that they can be used or enjoyed by anyone; I have no jurisdiction to help resolve these problems. Under the 1965 Act, I can only say that in the absence of any evidence, I am not satisfied that any person is the owner of these parts, and they will therefore remain subject to protection under section 9 of the Commons Registration Act 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.



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SCHEDULE
(Documents produced)

Part I: with notice of reference.

- 20 November 1984 Letter to County Hall from Grido Trading Co Ltd (also signed by R R J Dove, W J Dove and S W Dove) claiming that plots numbered 794, 795, 801, 802 and 803 owned by W J and R R J Dove, numbered 853, 854, 855 and 856 owned by R R J and W J Dove, numbered 787 and 788 owned by R R J Dove and numbered 789 and 790 owned by S W Dove.
- 27 November 1984 Letters from County Council to (a) S W, W J and R R J Dove and (b) Maclean Harrhy their solicitors.
- 28 November 1984 Land Registry Acts 1925 to 1971, Certificate of Search: P33683 and Ex 156790.
- 5, 17 and 20 December 1984 Letters between Maclean Harrhy and the County Council.
- 17 December 1984 and 2 January 1985 Letters from and to County Hall to and from Stevenage District Land Registry: title numbers P33683 comprise plots 698 to 700 and Caution Ex 156790 comprise plots 801, 802, 803, 794, 795, 853, 854, 855 and 856.

Part II: At hearing by Mr J D Drew
(for himself, Plot No. 732)

- JDD/1 30 September 1903 Conveyance (printed form save for name of purchaser, consideration, colouring of plan drawn thereon and some other not now relevant details) by James Walter Humm to Robert Charles Frost of "... one plot ... being part of the Fairview Estate Hockley (Second Portion) and being plot No. 732 on the plan drawn on these presents ..."
- JDD/2 28 March 1951 Conveyance by Rose Jane Banks and Lacy Richard Frost as personal representatives of Robert Charles Frost (he died 7 March 1939) to Murray Cecil Frost of said plot No. 732.
- JDD/3 7 July 1964 Receipts signed M C Frost for £20 paid by Arthur Thomas Drew for plot No. 732.
- JDD/4 7 August 1964 Conveyance by Murray Cecil Frost to Arthur Thomas Drew of the said plot.



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JDD/5 24 April 1979 Copy of probate of Will of Arthur Thomas Drew (he died 21 January 1979) to June Parsons.

JDD/6 10 May 1979 Assent by her as his personal representative of First plots 771, 772, 773, 774, 775, and 776, together with dwelling house Hillside, Oakfield Road, and secondly the said plot No. 732 in favour of Olga Victoria Drew.

JDD/7 26 November 1984 Deed of Gift by Olga Victoria Drew to her son John David Drew of the said plot No. 732.

Part III: At hearing by Mr W J E Dove
(for W J E and R R J Dove of Plots
Nos. 794, 795, 801, 802, 803, 853
and 854)

WJED/1 8 June 1982 Conveyance by Michael Joseph Mullahy and Sarah Frances Mullahy to William Joseph Dove and Raymond Roger James Dove of plots 794, 795, 853, 854, 855, 856, 801, 802 and 803 forming part of the Fairview Estate, Hockley, second portion comprised in a conveyance dated 28 September 1909.

WJED/2 28 September 1909 Conveyance by James Walter Humm to James Hayman of plots 794, 795, 801, 802, 803, 853 and 854 printed form similar to JDD/1.

WJED/3 10 February 1925 Conveyance by George Davis to Daniel Brown of plots Nos 855 and 856.

WJED/4 11 February 1925 Conveyance by James Hayman to Daniel Brown of plots Nos 794, 795, 853 and 854.

WJED/5 22 September 1929 Abstract of assent by Ada Charlotte Browne as of Daniel Brown (he died 18 November 1928) to the devise of all his real estate to her.

WJED/6 3 December 1929 Conveyance by Ada Charlotte Browne to James Hayman of plots Nos 794, 795, 853, 854, 855 and 856.

WJED/7 3 December 1929 Acknowledgement by Ada Charlotte Browne to James Hayman.

WJED/8 22 May 1950 Assent by Louisa Hayman as Executor of James Hayman (he died 30 March 1950) of



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freehold dwelling house No. 8 Keogh Road, Stratford and the 9 freehold building plots Numbers 794, 795, 853, 854, 855, 856, 801, 802, and 803.

WJED/9	5 February 1966	Conveyance by Louisa Hayman to Reginald James Hayman of 9 building plots numbered 794, 795, 853, 854, 855, 801, 802 and 803 forming part of the Fairview Estate, Hockley (second portion).
WJED/10	3 November 1972	Conveyance by Reginald James Hayman to Michael Joseph Mullahy and Sarah Frances Mullahy of the said plots.
WJED/11	3 November 1972	Acknowledgement for production of grant of probate of Estate of James Hayman.
<p>Part IV: at hearing by Mr W J E Dove for R J Dove plots Nos 787 and 788 and S W Dove of plots Nos 789 and 790</p>		
WJED/13	20 May 1983	Conveyance by Vera Florence Maud Wells to Steven William Dove of plot numbers 789 and 790 and plan drawn on conveyance of 1 September 1904 by James Walter Humm.
WJED/14	12 May 1983	Conveyance by Vera Florence Maud Wells to Raymond Dove of plot Nos 787 and 788 and plan drawn on said 1904 conveyance.
WJED/15	1 September 1904	Conveyance by James Walter Humm to Frederick Tyler of plots Nos 787, 788, 789 and 790 (printed form similar to JDD/1).
WJED/16	30 December 1944	Conveyance by Frederick Thomas Williamson to George Albert Victor Holt of plot Nos 787, 788, 789 and 790.
WJED/17	28 September 1970	Abstract of letters of Administration to Estate of G A V Holt (he died 28 April 1952).
WJED/18	11 February 1972	Assent by Florence Beatrix Holt as personal representative of plots 787, 788, 789 and 790 to Vera Florence Maud Wells.



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Part V: at hearing by Mr F R Lockhart

WJED/20

25 March 1985

Plan annexed to requisition for an
official search under Commons
Registration Act 1965.

Dated this

3rd

day of

November

1986.

A. A. Baden Fuller

Commons Commissioner