



In the Matter of Mapletree Lane, Ingatestone  
and Fryerning, Essex.

DECISION

This reference relates to the question of the ownership of land known as Mapletree Lane, Ingatestone and Fryerning, being the land comprised in the Land Section of Register Unit No. CL 461 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 Lord Petre 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 17 January 1978.

At the hearing Lord Petre appeared in person.

The eastern part of the land comprised in the Register Unit lies within the manor of Ingatestone. It is a green lane which is open, unoccupied, and uncultivated, and is, in my view, waste land of the manor. Lord Petre is the lord of the manor by virtue of a conveyance and deed of discharge made 25 November 1935 between (1) Sir Frederick Carne Rasch, bt and Herbert John Anthony Throckmorton (2) Joseph William Lionel, Baron Petre. Some 20 years ago Lord Petre granted an electricity wayleave over the length of the lane which he claimed, that no one objected to the erection of the poles, and he has received the wayleave payments.

On this evidence I am satisfied that Lord Petre is the owner of the eastern part of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register him as the owner of that part under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the western part of the land in question and that part 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 this

6th

day of

March

1978

  
CHIEF COMMONS COMMISSIONER