



In the Matter of Motts Green, High Easter

DECISION

This reference relates to the question of the ownership of land above mentioned being the part of the land comprised in the Land Section of Register Unit No. CL 424 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 Mr T T Matthews 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 3 March 1983.

Mr B Bowler of Messrs Hilliard and Ward, Solicitors of Chelmsford appeared for Mr Matthews and Mr A F Lankshear appeared in person.

Mr Matthews said in evidence that the land adjoined Field OS. 4156 which had been in the ownership of his family since 1950. The title deeds showed that Mr Reginald Pertwee Matthews, father of the witness, had purchased from his father Geoffrey Matthews in 1921 a farm which included OS. 4156. Mr Matthews became sole owner in fee simple of that farm in 1956 after the death of his father and the termination on her remarriage of his mother's interest, by buying out his brother and sister. Until 1968 the only access to OS. 4156 was through the register unit. In 1968 he dug a ditch along the side of the register unit where it abutted on the highway with the result that for the future access to the register unit could only be obtained through his land. He had been born in 1929 and was not aware of any one ever having attempted to use or go on the register unit, which was often under water during the winter months.

On this evidence I am satisfied that Mr Matthews is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register him as the owner of the land under section 8(2) 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

8th

day of

March

1983

George Harker

Commons Commissioner