



COMMONS REGISTRATION ACT 1965

Reference Nos. 212/D/183-184, 185-186

In the Matter of Pledgdon Green,
 Henham, Uttlesford D

DECISION

These disputes relate to the registrations in the Land and Rights Sections of Register Unit No. VG 71 in the Register of Town or Village Greens maintained by the Essex County Council and in the Land and Rights Sections of Register Unit No. CL 328 in the Register of Common Land maintained by the Council. The disputes are occasioned by the conflicting registrations in the two Land Sections.

I held a hearing for the purpose of inquiring into the disputes at Chelmsford on 17 February 1981. The hearing was attended by Mr C Seeley, Solicitor, appearing on behalf of Mr R L Coleby (the applicant for registration at Entry No. 1 in the Rights Section of VG 71) and of Sir A Grattan Bellew (the applicant for registration at Entry No. 1 in the Rights Section of CL 328); and Mr S J Gardner, of the Registration Authority, also attended.

The VG registration was made on the application of Henham Parish Council, and by a letter dated 3 February 1981 their Solicitors wrote to the effect that they were unable to produce evidence that the land is a village green. In the circumstances I refuse to confirm the VG registration: this will resolve the conflict, and I shall confirm the CL registration and the registration of the Entries in the Rights Section of the CL registration (including the deemed Entry of Mr Coleby's right).

Mr Seeley applied for costs. The disputes were occasioned not by any Objection but by the conflict between the two registration; the VG registration was the earlier of the two and there is nothing to suggest that it was not made in good faith, and I do not think it appropriate to make any order as to costs.

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

24 March

1981

L. J. Morris Smith

Commons Commissioner