



COMMONS REGISTRATION ACT 1965

Reference No 212/U/128

In the Matter of Shelley Common,
Ongar, Epping Forest District, Essex

DECISION

This reference relates to the question of the ownership of land known as Shelley Common, Ongar, Epping Forest District being the land comprised in the Land Section of Register Unit No CL19 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 D J Taylor claimed (his solicitor's letter of 9 June 1978) ownership. No other person claimed to be the freehold owner of the land in question 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 land at Chelmsford on 18 October 1979. At the hearing (1) Ongar Parish Council whose application the registration was made, were represented by Mr J B S Mackay solicitors of Raggett Wakefield & Co, Solicitors of Ongar; (2) Mr Stanley James Taylor was represented by Mr S P Hilton solicitor of Leonard Gray & Co Solicitors of Chelmsford and (3) Mr David Jack Taylor of Bridge Farm, Moreton Road, Shelley, Ongar, attended in person.

Mr Hilton said, and Mr D J Taylor agreed, that the said claim should have been made on behalf of Mr S J Taylor and not on behalf of Mr D J Taylor (they are brothers).

The land ("the Unit Land") in this Register Unit has a length of a little over 500 yards from north to south and a variable width of about 100 yards; according to the 1969 conveyance below mentioned, it comprises OS Nos 23 and 24 being 5.199 and 6.774 acres.

Mr Hilton in the course of his evidence produced: (1) a conveyance dated 1969 by which Mr J D Kerr and Mr J H Gingell as personal representatives of J Kerr (he died 27 September 1968) conveyed to Mr S J Taylor the lands described in the First Schedule thereto known as Bridge Farm; (2) a copy of the probate of the will of J Kerr and (3) a copy (examined 18/9/69) of a conveyance dated 1920 by which Mr W F Pepper as mortgagee and Mr M W Galloway as vendor conveyed to Mr J Kerr the Manor or Lordship of Shelley or Shellydyke and the Manor House and lands therein described. Both the 1920 and 1969 conveyances included the Unit Land, the said OS Nos being expressly mentioned.

Mr D J Taylor said (in effect):- He had lived on the Farm since 1969. The Unit Land is meadow land part of the farm and he and his brother felt that it was wrongly registered. In 1969 it had been neglected, but they had since carried out a considerable drainage, and it was now good grazing.

Mr Mackay said that it was registered because it was considered to be wasteland of a manor, and he produced the Tithe Award dated 31 August 1939 for the parish of Shelley the map of which showed the Unit Land as common and containing 13 acres 1 rood 35 perches; in the Award itself it was treated as non-tithable.



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On this reference, I am not concerned with whether the land was properly registered in the Land Section of the Register. Such registration being undisputed became final on 1 October 1970. On the evidence summarised above, I am satisfied that that Mr S J Taylor is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register Mr Stanley James Taylor of Bridge Farm, Moreton Road, Shelley, Ongar 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 30th — day of November — 1979

a. a. Baden Fuller

Commons Commissioner