



In the Matter of Three pieces of land by  
the side of the road at Fryerning, Ingatestone  
and Fryerning, Essex

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DECISION

This reference relates to the question of the ownership of three pieces of land by the side of the road at Fryerning, Ingatestone and Fryerning being the land comprised in the Land Section of Register Unit No. CL 453 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 in to the question of the ownership of the land at Chelmsford on 20 February 1980.

At the hearing Lord Petre and Mr P J L Oddey appeared in person.

The land in question consists of lengths of roadside waste, two on the west side and one on the east side of the road. To the east of the length on the east side of the road <sup>is</sup> land which was formerly the grounds of a large house called Huskards. Huskards is now an old peoples' home and the land has been divided into building plots. The northern-most of these plots is now the site of a house called Birchwood, which is now the property of Mr Oddey.

Huskards was conveyed by an indenture made 3 May 1906 between (1) Constance Upton, Richard Hunter Barker and Benjamin James Leverson (2) Frank Hilder. The parcels of this indenture included all the estate and interest of the vendors in all those strips of wayside land and ditches abutting on the Huskards estate. On 14 January 1952 the same parcels were conveyed to John Cliffe Pidduck. Mr Oddey acquired his property by a Conveyance made 19 April 1958 between (1) Doreen Amelia Cross (2) Peter John Lovell Oddey. The plan attached to this Conveyance does not include any part of the adjoining wayside land and ditch, nor are they mentioned in the parcels. Mr Oddey obtains access to his house across the land and since he has lived there he has cut the grass on the land.

Lord Petre is the lord of the manor of Ingatestone, the lordship having been conveyed to him by a Conveyance and deed of discharge made 25 November 1935 between (1) Sir Frederic Carne Rasch and Herbert John Anthony Throckmorton (2) Joseph William Lionel, Baron Petre.

There is no evidence to show what estate and interest (if any) the vendors in 1906 had in the strips of wayside land and ditches abutting on the Huskards estate. The wording of the parcels shows that this was by no means certain at that time and it may have been included by the Solicitor acting for the purchaser when he drafted the Conveyance. Since there is no entry in the Rights Section of the Register Unit, the land clearly does not fall within the definition of "Common Land" in section 22(1) of the Commons Registration Act 1965 as land subject to rights of common. It can therefore only fall within that definition as waste land of a manor not subject to



rights of common.

On this evidence I am not satisfied that Mr Oddey is the owner of any part of the land in question and I am satisfied that Lord Petre is the owner of the land, by virtue of being lord of the manor, and I shall accordingly direct the Essex County Council, as registration authority, to register Lord Petre 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

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day of

March

1980

Chief Commons Commissioner