



In the Matter of Three Pieces of Roadside Waste
at Horseman Side and Ditchleys Lane, Navestock, Essex.

DECISION

This reference relates to the question of the ownership of three pieces of roadside waste in Horseman Side and Ditchley Lane, Navestock, being the land comprised in the Land Section of Register Unit No CL 203 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 no person claimed to be the freehold owner of the land in question and no one 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 the Church Commissioners for England were represented by Mr C J Vaughan-Jackson, their assistant surveyor. Mr Vaughan-Jackson produced an estate map which showed that the Church Commissioners claimed to own land adjoining the land in question, which is uncoloured on the map. Although the land in question is roadside waste, it cannot be part of a highway, since land which is part of a highway is excluded from registration as common land by section 22(1) of the Act of 1965, and therefore the usual presumption as to the ownership of the soil of a highway cannot apply to it.

On the evidence before me I am not satisfied that any person is the owner of the land, and it 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 14th day of February 1978

CHIEF COMMONS COMMISSIONER