



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/97

In the Matter of Two pieces of land called
Galloway Close Little Clacton Tendring D.

DECISION

This reference relates to the question of the ownership of two pieces of land called Galloway Close, Little Clacton Tendring D. being the land comprised in the Land Section of Register Unit No. CL.122 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 Little Clacton Parish Council 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 Colchester on 24 July 1978.

Mr O E Thomas Clerk to Little Clacton Parish Council appeared for his Council.

He told me that the adjoining land was in 1968 owned by Fairfield Development Co., who had developed all the adjoining land owned by it on 1st January 1968. Fairfield Development Co., had written to the Parish Council that it had no further interest in the land in question and that the Council was free to make such use of it as it might think fit. The Council accordingly reseeded the land and it has put a bench on it and has maintained it ever since. ~~# 76~~
On the record that it accepted responsibility for the land on 30 January 1968.

The land has never been conveyed to the Council and its activities on the land have not been of sufficient duration to enable it to have acquired a possessory title. Mr Thomas had no information as to whether Fairfield Development Co was a limited company which was still in existence. In the absence of any evidence that any person has a title to the land I have no alternative but to place it under protection under Section 9 of the Act of 1965.

The Parish Council is one of the authorities charged with the protection of the land and it can maintain it as heretofore. If the Fairfield Development Co. can be traced and will convey the land to the Council I will withdraw this decision.

Mr Thomas asked me to place on record that the land is now known as Galloway Drive and the Registration authority will no doubt reflect this change in the Register.

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 12th day of September 1978

1978

Y A Lettle

Commons Commissioner