



COMMONS REGISTRATION ACT 1965

Reference Nos 216/U/13
216/U/14

In the Matter of (1) Coldhall Green
and (2) Emmanuel Pollards, Brickendon
Liberty, East Hertfordshire District,
Hertfordshire

DECISION

These references relate to the question of the ownership of the parts ("the Referred Parts") hereinafter defined of the lands known as (1) Coldhall Green and (2) Emmanuel Pollards, Brickendon Liberty, East Hertfordshire District being the lands comprised in the Land Section of Register Unit (1) No. VG 46 and (2) No. VG 48 in the Register of Town or Village Greens maintained by the Hertfordshire County Council. The Referred Parts mean as regards the land in Register Unit No. VG 46 ("the Coldhall Land") the part north of the line EF on the Register map and as regards the land in Register Unit No. VG 48 ("the EP Land") the part west of the line CD on the Register map, being the parts of the Coldhall Land and the EP Land of which no person is registered under section 4 of a Commons Registration Act 1965 as the owner.

With the notice of these references was a copy of a memorandum dated 23 November 1978 to County Secretary's Department from Valuer and Land Agent's Department enclosing extracts from the Terrier which indicated that the County Council were or might be the owners of part of the Coldhall Land and/or of the EP Land. Following upon the public notice of these references no person claimed to be the freehold owner of the referred parts in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Hertford on 14 January 1981. There was no appearance at the hearing. Before I gave any decision, I received a letter dated 29 January 1981 from Hertfordshire County Council in effect indicating that they might be the owners of the Referred Parts; accordingly I adjourned the hearing.

I held the adjourned hearing at Hertford on 28 October 1981. At this hearing Hertfordshire County Council were represented by Miss H Spencer articled clerk in the County Secretary's Department.

The Coldhall Land is a strip extending for about 2/3rds of a mile westwards from a point near Coldhall and nowhere more than about 150 yards wide; it contains 4.395 hectares (10.86 acres); its east end is on the Register map marked as "Coldhall Green". The EP Land comprises a rectangular area (at its east end) about 300 yards long from north to south and about 200 yards wide, the northeast corner of which adjoins the west end of the Coldhall Land, and a strip extending for about a mile from such corner nowhere more than about 50 yards wide; it contains 6.75 hectares (16.68 acres); said rectangular



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area is on the map marked as Emmanuel Green. Along the length of both the Coldhall Land and the EP Land runs a public highway known as White Stubbs Lane. In the Ownership Section Mr C Stamp is registered as owner of the part of the Coldhall Land north of White Stubbs Lane and south of the line AB, and the Most Hon. Marquess of Salisbury is registered as owner of all the Coldhall Land except such last mentioned part and the land lying north of the line EF; and the Marquess of Salisbury is registered as the owner of all the EP Land except the part west of CD on the Register map. A small part of the part of the Coldhall Land of which Marquess of Salisbury is registered as owner as aforesaid is also registered at HM Land Registry under the Land Registration Acts 1925-1971 under title No. HD 27517. So the Referred Part of the Coldhall Land north of the line EF, ~~is~~ a triangular area (small when compared with the rest) about 120 yards long from north to south; and the Referred Part of the EP Land west of the line CD, ~~is~~ ^{an area} (comparatively small because very narrow) about 600 yards long.

Miss Spencer produced a conveyance dated 20 March 1957 to which Mr G A J Smith-Bosanquet conveyed to the County Council the strips of manorial waste of the Manor of Broxbournebury alongside the highways known as ... White Stubbs Lane ... more particularly delineated on the plan annexed thereon coloured pink.

Mr Percival Arthur Hickman who was (now retired) Housing Officer to the Broxbourne Council and used to work for the Broxbourne Bury State before the war in the course of his evidence described the Referred Parts as roadside waste with scrub and trees. The land coloured pink on the said conveyance plan includes all the referred parts except a narrow strip apparently indicating the made up carriageway and except ~~the~~ comparatively very small areas ^{near to} and north of the line EF, ^{near to and west of the line CD.}

I consider that the said conveyance is satisfactory evidence of the ownership of the County Council at least as regards land coloured pink on a plan annexed to it and that I should disregard the exceptions above mentioned as being of no practical consequence.

Some of the land coloured pink on the conveyance plan is included in the parts of the Coldhall Land and the EP Land of which the Marquess of Salisbury is registered as owner. Mr Hickman in the course of his evidence said that the Broxbourne Bury Estate (16.19 acres) was in 1946 sold by public auction in 79 lots, one of which (lot 48) was or included a large part of the EP Land and he then gave me some information as to how this land subsequently devolved. At this stage it became clear that the evidence he was giving was directed to establishing that the Marquess of Salisbury was not the owner of the parts of the Coldhall Land and of the EP Land of which he had under the 1965 Act been registered as owner as aforesaid. Being of the opinion that I had no jurisdiction on these references to consider the propriety or otherwise of these registrations (they having in the absence of any objection become final), I refuse to hear any further evidence from Mr Hickman.

Nevertheless on the considerations set out above I am satisfied that the County Council are the owners of the Referred Parts and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct the Hertfordshire County Council's



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registration authority to register themselves as the owner of the part of the Coldhall Land north of the line EF on the Register map and the part of the EP Land west of the line CD on the Register map.

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 3rd day of *December* 1981

a. a. Baden Fuller

Commons Commissioner