



In the Matter of (1) the west bank of the River Rib north of Barwick Ford and (2) the greens on the west side of Barwick Ford, Standon, East Hertfordshire District, Hertfordshire

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DECISION

This reference relates to the question of the ownership of lands being the west bank of the River Rib, north of Barwick Ford and (2) the greens on the west side of Barwick Ford, Standon, East Hertfordshire District being the lands comprised in the Land Section of Register Unit Nos (1) CL. 153 and (2) CL. 154 in the Register of Common Land maintained by the Hertfordshire 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 these references no person claimed to be the freehold owner of the lands 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 lands at Hertford on 6 July 1976. At the hearing Standon Parish Council on whose application the registrations were made, were represented by Mr J Ingham their clerk.

The CL. 153 land is a strip containing (according to the Register map) 1.521 acres, bounded on the east by the River Rib and on the west by the edge of the made up part of the Road from Much Hadham; this Road after crossing the River at Barwick Ford, and there turning north, runs for about 450 yards by the CL. 153 land (the River on the east is never much more than about 15 yards away, and is sometimes much closer); thereafter the Road leaves the River and in a short distance divides one road leading to Standon on the north, and the other to the A10 road not far away on the west. The CL. 154 land comprises two comparatively very small pieces about 25 yards and 20 yards long, one being crossed by a path being the approach path to the footbridge across the River and the other being grassland on either of which vehicles which have used the Ford may pass when proceeding northwards along the Road.

Mr Ingham described the lands, and about 10 days after the hearing I inspected them. Mr Ingham said they are a local beauty spot where a large number of people (coming by motor car) congregate to enjoy the surroundings. Unfortunately some such people spoil it for others by such things as parking their cars (so as to obstruct the access to Great Barwick Farm, opposite the Ford), leaving litter on the lands, throwing detergents and rubbish into the River, and washing or parking their cars in the River. At or near the south end of the CL. 153 land there is a notice "EAST HERTFORDSHIRE DISTRICT COUNCIL : DUMPING OF RUBBISH PROHIBITED", and another "NO CANOEING. NO BATHING. NO PADDLING." Much of the CL. 153 land is overgrown with trees, scrub and nettles, but at its south end (for about 60 yards) and at about 150 yards from its north end (for about 60 yards) there is open grassland by the River attractive for picnicing, and also it seems for leaving motor cars.



Mr Ingham said that during the 10 years in which he had personally known the lands, they had always appeared much as now, except that the use by motoring visitors had only become a nuisance in the last 2 or 3 years.

Mrs Pegrum from the County Archivists Department produced the Award dated 22 September 1840 apportioning the tithes in the Parish of Standon, and the Award dated 18 May 1835 made under the Standon Inclosure Act 1830. On the 1840 Tithe map, the CL. 153 land, the north piece of the CL. 154 land and the said Much Hadham-Standon Road are all shown coloured brown, with no land between them and the River which is coloured blue, so that the CL lands appear to be part of the Road. On the 1835 Inclosure map, "Berwick" and the lands nearby are shown as ancient inclosures, and the Road (on the map called Gore Lane) and the River are shown in all now relevant respects in the same way as the Tithe map, that is with no land between the Road and the River.

From the evidence summarised above, I conclude that from time immemorial the CL. 153 land has been open to the Road and the River, and that although the dividing line between where the road as used for vehicular traffic, and the River may have varied from time to time, there always has been a strip much as now between the Road and the River. There was no claim that the River was in the same ownership as the lands on the east side of the River; although the River is not wide enough to be navigable (except possibly by canoes), it is large enough to prevent the CL. 143 lands being used with any land east of the River. There are in law presumptions about ownership of the soil of highways and bed of rivers being the same as the ownership of land abutting them, but I know of no presumption applicable to strips of land such as that I am now considering, between a road and a river. I think I can and should infer from the present appearance of the land, and its delineation on the 1835 and 1840 maps that the CL. 143 land has always been publicly owned land from which the inhabitants of the locality have always had a right to go from the Road to the River for lawful purposes, and as such it has always been Parish property which by operation of law was formerly vested in the churchwardens and overseers, see *Haigh v West* 1895 23 B 39 and also *Doe v Wiley* 3 B & C 885 there cited. In more recent times there have been a number of Acts of Parliament under which lands so vested have passed to various local authorities for particular purposes; in the absence of any evidence that the CL. 153 land has so passed, I conclude that it is now vested in the Parish Council as the successor of the churchwardens and overseers.

The CL. 154 land is I think in all now relevant respects the same as the CL. 153 land, and my conclusion about its ownership is therefore the same.

For the above reasons I am satisfied that the Parish Council are the owners of the lands, and I shall accordingly direct Hertfordshire County Council as registration authority to register Standon Parish Council as the owner of the lands under section 8(2) of the Act of 1965.

I am required by regulation 50(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 July - 1976

a a. Barker Fuller