



COMMONS REGISTRATION ACT 1965

Reference No 16/U/90

In the Matter of Blind Lane Green,  
Standon, East Hertfordshire District,  
Hertfordshire

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DECISION

This reference relates to the question of the ownership of land known as Blind Lane Green, Standon, East Hertfordshire District being the land comprised in the Land Section of Register Unit No CL. 136 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 this reference Mrs M E Walker of 28 Roundhay, Puckeridge in a letter dated 24 June 1973 claimed ownership, Ware Rural District Council in a letter dated 13 February 1974 said that they had made an order under section 23 of the Caravan Sites and Control of Development Act 1960, Chalmers-Hunt & Baily solicitors of Ware on behalf of Miss C Scholtheis in a letter dated 2 June 1975 asked whether in connection with a planning appeal by her for an indication why the Parish Council (as had been suggested by the District Council) should be served with notice rather than the Lord of the Manor, and East Hertfordshire District Council in a letter dated 8 October 1975 said they expected a local enquiry would be held on 10 December 1975 to hear an appeal against refusal of planning permission. No other person claimed to be the freehold owner of the land in question or 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 Hertford on 7 July 1976. The hearing was attended by Mrs Walker in person.

The land which contains (as appears from the Register map) 0.029 of an acre is on the east side of a road which leads southwards out of Standon, and then a short distance after it passes the land, finishes.

Mrs Walker in the course of her evidence produced a memorandum dated 30 May 1965 as follows:-

Part Plot 484 - - - XXII - - 7

OWNERS Ernest May  
A May (Mrs)

For Land Fence and Caravan

Sold to Mr Walker, seventy pounds

for the sum of £70"

This was signed by Ernest F May and Annie May over two 3d stamps, their signatures being witnessed and followed by some words about a "Summer House".



Mrs Walker said (in effect):- She had no deeds. The Mr Walker mentioned in the memorandum was her husband. From about June 1965 they lived together on the land in a caravan, (not the one acquired under the memorandum), until his death in January 1972. The Council then told her she had to get off; they found her the flat where she now lives; she had the keys in February 1972, and moved to it in March 1972. About the same time she sold the caravan in which she and her husband had been living, together with the fencing and the summer house (toilet) and some paving stones; the purchaser said he would remove everything off the ground (the Council having told her to get off). "As far as I was concerned that was the end of it". She never went back onto the land except on one occasion shortly after she left when she scattered her husband's ashes there as he had requested. However the present occupier of the caravan, Miss Scholtheis visited her from time to time and brought her roses; she understood that the planning enquiry mentioned in the letter of 8 October 1975 was held in the Village Hall on 28 June 1976, but she did not attend.

From what Mrs Walker said as to how she understood the caravan was used and occupied before it was sold to her husband under the 1965 memorandum, I am unable to infer that Mr & Mrs May were then the owners of the land for a legal estate in fee simple, this being the only form of ownership with which I am under the 1965 Act concerned, see section 22. Further in my view, the memorandum not being a conveyance by deed, would not in law have been effective to pass to Mr Walker any such legal estate as might then have been vested in Mr & Mrs May. Mrs Walker not now being in possession, cannot I think now have a possessory title; further to extinguish the title of the true owner under the Limitation Act 1939 Mr Walker would have had to have been in possession for 12 years (not merely the approximately 7 years as described by Mrs Walker).

For these reasons I am not satisfied that Mrs Walker is the owner of the land. In the absence of any evidence of ownership by anyone else, I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 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 9<sup>th</sup> - day of July 1976

a. a. Baden Fuller

Commons Commissioner