



COMMONS REGISTRATION ACT 1965

Reference No 16/U/64

In the Matter of Butts Close  
(part), Hitchin, North Hertfordshire  
District, Hertfordshire

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DECISION

This reference relates to the question of the ownership of land being part of that known as Butts Close, Hitchin, North Hertfordshire District and being the land comprised in the Land Section of Register Unit No CL. 71 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 Hitchin Urban District Council claimed (letter dated 6 April 1973) ownership of the land in question; no other person claimed to be the freehold owner 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 June 1978. At the hearing North Hertfordshire District Council were represented by Mr D A Woolston their Solicitor.

The land ("the Unit Land") in this Register Unit is a narrow strip shaped very like the conventional way of drawing a flash of lightning, being bounded on the west by land (approximately 7 acres: "the CL. 49 Land") in Register Unit No CL. 49, and on the east by land (approximately 2.69 acres: "the CL. 57 Land") being part of that in Register Unit No CL. 57. The Unit Land, the CL. 49 Land and the CL. 57 Land together make up an area on the east side of, and for about 550 yards fronting on, Bedford Road, and known as Butts Close.

Mr Woolston produced a copy of a conveyance dated 22 September 1939 by which the Commissioners of Crown Lands conveyed to Hitchin Urban District Council five pieces of land in which the "Secondly" was "part of Butts Close" as delineated on the annexed map. He said that the original conveyance had been lost, and that Hitchin Urban District Council and the Trustees of Hitchin Cow Common were respectively the registered owners of the CL. 49 Land and the CL. 57 Land. He also produced letters dated 9 April and 10 July 1973 from Passingham & Hill, Solicitors of Hitchin, as showing that the Trustees of Hitchin Cow Common Trust do not claim any interest in Butts Close other than the CL. 57 Land.

Mr A King who before 1939 was Deputy Surveyor of the Urban District Council, for the war years and some time afterwards was Acting Surveyor and from 1948 to his retirement in 1972 was Surveyor to the Council, in the course of his evidence, said (in effect):- The Urban District Council was responsible for the whole of Butts Close under a scheme made under the Commons Act 1899 and confirmed on 6 May 1921. He always believed that they owned all Butts Close, except the



portion owned by the Hitchin Cow Commoners; he had never heard of any other person claiming ownership of the Unit Land or disputing the Council's title to it. Butts Close (about 10 acres altogether) is a flat grass area (remarkably green because of water springs under it) which is about 200 to 300 yards from the Town Centre.

Mr D R Simpson who is a principal assistant in the County Council's Secretary's Department and was from about 1934 employed by Hitchin Urban District Council said that the produced copy of the 1939 conveyance (he had seen the original on a number of occasions) is a true copy.

The plan on the 1939 conveyance is on a small scale and does not therefore clearly mark the west boundary of the land thereby expressed to be conveyed. Even if the land thereon edged green does not include the Unit Land, upon the evidence outlined above, I conclude that the Urban District Council have subsequently acquired a possessory title to it. I am therefore on such evidence satisfied that the District Council as their successors are the owners of the land, and I shall accordingly direct the Hertfordshire County Council as registration authority to register North Hertfordshire District Council as the owners of the land under section 8(2) 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 26<sup>th</sup> day of June — 1978

A. A. Barton Fuller

Commons Commissioner