



COMMONS REGISTRATION ACT 1965

Reference No. 216/D/35
216/D/36

In the Matter of Moor Green, Munchers Green, Gardeners End, Parkers Green, Canons Green, Badgers Green and Wood End Green, all in Ardeley, East Hertfordshire District, Hertfordshire.

DECISION

These disputes relate to the registrations at Entry No. 1 and 2 in the Ownership Section of Register Unit No. CL 152 in the Register of Common Land maintained by the Hertfordshire County Council and as occasioned by the said registrations being in conflict.

I held a hearing for the purpose of inquiring into the dispute at Hertford on 28 October 1981. The hearing was attended by Mr Alfred Henry Camp of High Trees Farm on whose application the registration at Rights Section Entry No. 2 was made.

The land in this Register Unit comprises the pieces of land above mentioned which are scattered between Ardeley and Wood End (about $1\frac{1}{2}$ miles apart) and includes various strips of land which connect some of these pieces. The registration at Ownership Section Entry No. 1 is of the ownership of Ardeley Parish Council of all the land in this Register Unit; the registration at Ownership Section Entry No. 2 is of the ownership of Mr John Marshall Free of a piece of land approximately rectangular about 80 yards by about 50 yards or a little less situated at the south end of and being a small part of the piece on the Register map called "Parkers Green".

Handed to me at the hearing was a paper signed on 21/22 October 1981 on behalf of Ardeley Parish Council and Hertfordshire County Council and by Mr P L Richards as successor of the interest of Mr J M Free, requesting the Chief Commons Commissioner to confirm the registration at Entry No. 1 in the Ownership Section "with the following modification, namely land adjacent to and to the east of Parkers Green Cottage, Parkers Green". Considering this paper by itself, I am in doubt whether these signatories (a) intended that the registration at Entry No. 1 should be modified by excluding the land near Parkers Green Cottage therein mentioned so as to leave the registration at Entry No. 2 unaffected; or (b) intended that the registration at Entry No. 1 should be treated as including the land near Parkers Green Cottage so that the registration at Entry No. 1 would not be modified and the registration at Entry No. 2 would be avoided. As to this doubt I have two letters from Mrs J M Bath clerk of Ardeley Parish Council; one dated 26 June 1981 in which after saying that Dr J M Free sold the property known as Parker's Green Cottage moved away and did not pursue the matter, she said (among other things): "that this piece of land has been absorbed into the land surrounding Parker's Green Cottage cannot be disputed. It is quite small with a frontage of about fifty to sixty yards and a depth of perhaps a little less. There are two garage type, open fronted sheds on it containing garden machinery, tools, etc. And the area is now under vegetable and flower



- 2 -

cultivation. Fencing along the Green frontage AB has been overgrown and a hedge runs along the side BC on the edge of the adjacent field. When this absorption took place no one can say. ..." And in another dated 21 October 1981 in which he says: "Mr Richards communicated with me by telephone and at a site meeting on Sunday 18 October 1981 with a member of the Council readily agreed that this land is properly common land in the ownership of the Parish Council in whom the remainder of Parker's Green is vested. Your form of application has accordingly been signed by Mr Richards and by my Chairman on behalf of the Parish Council". In these circumstances I conclude that the intention of the signatories of the said paper was in accordance with (b) above mentioned.

In the above circumstances, I confirm the registration at Ownership Section Entry No. 1 without any modification and I refuse to confirm the registration at Ownership Section Entry No. 2.

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 17th — day of November 1981

a a. Baden Fuller

Commons Commissioner