



In the Matter of Croxley Green, Croxley, Hertfordshire,
(No. 2)

DECISION

These disputes relate to the registrations at Entry Nos 1 to 8 in the Rights section of Register Unit No. CL 35 in the Register of Common Land maintained by the Hertfordshire County Council and are occasioned by Objections Nos 23 and 116 made by the former Rickmansworth Urban District Council and noted in the Register on 6 November 1969 and 1 February 1972 respectively.

I held a hearing for the purpose of inquiring into the dispute at St Albans on 5 March 1981. The hearing was attended by Mr J E Hudson, solicitor, on behalf of Mr J G Foster, the applicant for the registrations at Entry Nos 6 and 7, and Mr and Mrs S J Cox, the successors in title of Dr R H Leach, the applicant for the registration at Entry No 8, and by Mr A R Hignett, solicitor, on behalf of the Three Rivers District Council, the successor authority of the former Rickmansworth Urban District Council. There was no appearance by or on behalf of any of the applicants for the registrations at Entry Nos 1 to 4.

Mr Hignett stated that he was instructed not to pursue Objections Nos 23 and 116 in so far as they related to the registrations at Entry Nos 6 and 7.

The registration at Entry No. 8 is of a right to graze 3 sheep attached to Hollow Tree House, formerly known as Hollow Tree Farm.

The present curtilage of Hollow Tree House is 120 ft by 185 ft, the whole of the part not built upon being used as the garden of a private residence. When known as Hollow Tree Farm it also comprised some agricultural land, being described as "an active little farm". The only evidence of rights of common attached to the farm was that it was let in 1916 with common for sheep on Croxley Green and for cows on Common Moor, no numbers being specified.

The agricultural land was disposed of many years ago, but the owners of Hollow Tree House were included in lists of commoners drawn up in 1931 and 1961 by the Commoners of Croxley Green, the applicants for the registration at Entry No. 1 in the Land section of the Register Unit, and on 31 January 1967 Dr Leach attended a meeting of the Commoners. This meeting was held for the purpose of agreeing how many animals each commoner should include in his application for registration under the Commons Registration Act 1965. It was then decided that Dr Leach could apply for a registration in respect of 4 cattle and 4 sheep. Having regard to the terms of the 1916 lease, this agreement was presumably intended to cover 4 cattle on Common Moor and 4 sheep on Croxley Green.

Mr Hignett did not dispute that a right to graze cows on Common Moor was attached to Hollow Tree Farm as it was in 1916. Prima facie the quantification of that right would be governed by the doctrine of levancy and couchancy and would have been apportionable on the division of the property. However, Dr Leach applied for the registration to graze 2 cows on Common Moor, and Mr Hudson accepted that Hollow Tree House could not carry 3 sheep through the winter in

