



COMMONS REGISTRATION ACT 1965

Reference No 16/D/12

In the Matter of Owles Green,
Buntingford, East Hertfordshire
District, Hertfordshire

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 223 in the Register of Common Land maintained by the Hertfordshire County Council and is occasioned by Objection No 75 made by Mr H J Lamprell and noted in the Register on 22 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Hertford on 8 June 1978. At the hearing Buntingford Town Council were represented by Mr A Lawson solicitor of Longmores, Solicitors of Hertford and Mr M T Gibbons of Owles Hall attended in person.

The land ("the Unit Land") in this Register Unit is in three strips, one on the west and two on the east side of the road which runs north-south just west of Owles Hall, the entrance to which is between the two east strips. The west strip is (as I scale the Register map about 270 yards long) and the two east strips are together a little longer.

The grounds of Objection are:- "That the land was not common land at the date of registration, and therefore the right does not exist at all. No advantage to the general public assuming the land was made common. Ownership of land claimed by Henry John Lamprell who is owner of the estate known as Owles Hall".

Mr Lawson said that at the time of the Objection Mr Lamprell owned Owles Hall. Mr Gibbons said that he had only heard of the hearing because a notice of it addressed to Mr Lamprell had been redirected to the occupier of Owles Hall.

Mr R C Woods who has been a member of the Town Council (formerly the Parish Council) for about 20 years and been their chairman for 2 years, in the course of his evidence described the Unit Land and said (in effect) that it is and was waste land.

Mr Gibbons, having expressed concern as to the size and identity of the Unit Land, and Mr Lawson not having expected any person to support the Objection, I adjourned the proceedings for a short time so that they could consider the position. Afterwards, Mr Gibbons said he did not ask for any further adjournment, and did not wish to be heard against the registration.

Mr A Palmer who is assistant archivist in the Hertfordshire County Council Record Office, in the course of his evidence, produced from this Office: (1) a map entitled "A Survey of the Demesne Land of the Manour of Corney Bury in the hundred of Edwinstree, County of Hertford containing (sic) Acres together with the Sheepwalks thereunto belonging. Taken AD MDCCXLIV."; (2) The Tithe Map for the Parish of Layston 1836 certified by the Tithe Commissioners as being that referred to in the Tithe Apportionment Award of 1840 for that Parish;



(3) the OS map (1/2500) of 1897; (4) the OS map (6" = 1 mile) of 1919; and
 (5) the OS map (6" = 1 mile) of 1960.

On the 1744 map the Unit Land (perhaps a little larger than now and including the road) is distinctly marked as part of the Manor. On the Tithe Map the Unit Land is coloured brown and unnumbered (like the roads), and on the OS maps, the Unit Land is delineated in (so far as now relevant) the same way as on the Register map and on the 1838 and 1744 maps.

Nobody contending otherwise, I conclude from the evidence summarised above that the Unit Land was in the past and still is waste land of a manor and therefore with the definition of common land in section 22(1) of the 1965 Act; accordingly the registration was properly made and I confirm it without any modification.

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 26th day of June — 1978

a. a. Baden Fuller

Commons Commissioner