



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/57

In the Matter of roadside waste
near Lower Plantation in Bovington
and Flaunden, Dacorum District,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land being roadside waste near Lower Plantation, Bovington and Flaunden, Dacorum District and being the land comprised in the Land Section of Register Unit No. CL208 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 the Rev Sir John Halsey Bt. claimed (his solicitors' letter of 16 November 1972) that the ownership of the land in question was vested in him; no other person claimed to be the freehold owner of the land or to have information as to its ownership.

I held a hearing for the purpose of inquiry into the question of the ownership of the land at Hertford on 6 June 1978. At the hearing the Reverend Sir John Walter Brooke Halsey Baronet and Mr Nicholas Guy Halsey were represented by Mr A H Hemsley solicitor of Halsey Lightly & Hemsley, Solicitors of London and Guildford.

The land ("the Unit Land") in this Register Unit is in two strips each about 150-200 yds long on opposite sides of and open to the road which runs approximately west-east by the Bricklayers Arms (PH) and a little to the north of Flaunden. When I saw it, much of the north strip seemed to be used as a car park, possibly for the convenience of the Bricklayers Arms; the south strip was much overgrown.

This hearing followed a hearing (Reference No. 16/U/58) about other roadside verges ("the CL207 Land") at which ownership was claimed on behalf of Mr Halsey as Lord of the Manor of Hemel Hempstead in succession to Sir John Halsey, and oral evidence was given by Mr Turner and Mr Halsey. Mr Hemsley asked me to treat the evidence given at the CL207 hearing as given at this hearing in relation to the Unit Land. This decision should therefore be read with my decision of even date relating to the CL207 land in which I summarise such evidence.

The circumstances of the Unit Land are essentially the same as those of the SE Red Land in such decision mentioned, save for the said car park. At the hearing there was no evidence that anyone acting for Mr Halsey or any of his predecessors had done anything to or about the car park or any other part of the Unit Land. For the reasons set out in my said decision of even date, I am not satisfied that Mr Halsey or any other person is the owner of the Unit Land, and it will therefore remain subject to protection under section 9 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



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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 23rd — day of August — 1978.

a. a. Bacon Fuller

Commons Commissioner.