



In the Matter of Symonds Green, Stevenage,
Hertfordshire

DECISION No. 2

This reference relates to the question of the ownership of part of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL.264 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.

I held a hearing on this matter at Hertford on 18 February 1986. No claimant appeared at the hearing, and in the absence of evidence I was not satisfied that any person was the owner and accordingly the land in question remained subject to protection under section 9 of the Act of 1965; and I gave a written decision to this effect dated 12 May 1986.

The greater part of Symonds Green, the unit land, is registered in the ownership of Stevenage Urban District Council, to which Stevenage Borough Council is the successor authority. The part of the unit land not included in the registered ownership is a small area to the north of the line marked A-B on the register map, and it is the ownership of this area which is in question. Following the issue of the decision of 12 May 1986, the Borough Council applied for the hearing to be re-opened on the grounds that it claimed ownership of the area and had evidence in support. Having seen the documentary evidence in support of this claim I think I can properly deal with the matter without the necessity of an actual hearing.

The larger part of this area was by a Conveyance dated 10 February 1927 conveyed to Stevenage Urban District Council by the Ecclesiastical Commissioners. The remaining part was included in land conveyed in 1970 to the Stevenage Development Corporation, and by the Corporation to Stevenage Borough Council by a Conveyance dated 8 November 1979.

On this evidence I am satisfied that Stevenage Borough Council is the owner of the land in question. I shall accordingly direct the Hertfordshire County Council, as registration authority, to register the Borough Council as the owner 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 4th day of February 1987

L. J. Morris Smith