

## COMMONS REGISTRATION ACT 1965

In the Matter of the (former)  
Gravel Pit, (now known as the Dump),  
Standon, East Hertfordshire District,  
Hertfordshire

SECOND DECISION

This decision is supplemental to a decision dated 4 August 1976 and made by myself in this Matter, and should therefore be read with it.

After my said decision had been published, on the application of Mr P H King and Mr D J King (of which application notice was given) to Hertfordshire County Council, Standon Parish Council, East Hertfordshire District Council, and Middlesex Trust for Nature Conservation Ltd) I set aside my said decision and re-opened the hearing.

I held the further hearing for the purpose of inquiring into the question of the ownership of the Unit Land (as defined in my said decision) in London on 29 November 1978. At this hearing Mr P H King and Mr D J King were represented by Mr D J Spence solicitor of Gisby & Son, Solicitors of Ware.

Mr P H King in the course of his evidence produced: (1) a Conveyance dated 23 June 1965 by which Standon Parish Council conveyed the Unit Land to Mr Mark King, Mr P H King (the witness) and Mr D J King; and (2) a statutory declaration made on 20 November 1964 by Mr L Wright who had resided in Puckeridge since 1928 and been a member of the Parish Council since 1938.

The 1965 Conveyance recites that the sale thereby completed was made with the consent dated 20 September 1962 of the Minister of Housing and Local Government and of the Parish Meeting held on 27 March 1962. Mr Wright in his declaration does not mention the 1835 and 1840 Awards mentioned in my said decision, and I infer that at the time they and the possible ownership of the District Council were overlooked. However, he did say that the Unit Land had for many years past been used as a site for tipping by the District

Council, and that for this they had from 1934 to 1955 paid rent to the Parish Council.

Mr P H King said (in effect):- Mr Mark King, his father, died on 31 August 1966. Mr D J King is his brother. They were at the time of the Conveyance and still are carrying on the business of builders. He had lived in Standon for 11 years and in Puckeridge (nearby) for 30 years before that, and had always known the Unit Land as "the Dump"; nobody in the Village had called in the "Gravel Pit", or knew it as such (his inquiries had extended 60 years back). After the Conveyance, he and his brother dispersed on it surplus soil from their business; mostly during the first five years of their ownership and only small amounts since. They had hired a contractor to level it off. About 6 years ago they obtained planning permission to use the Unit Land as a pig farm, but had never so used it; when they dug holes 16 feet deep, they found only ash. Currently it is being used at weekends (with their permission) by the North East London Motorbike Club, for children aged from about 7 to about 14 for riding small motor bicycles.

On the evidence summarised above, I consider that I ought to ~~pursue~~ *proceed* that under some proceeding order or other act or thing, of which all record has been lost, the Unit Land has passed from the ownership of the Surveyors of Highways or their successors to the Parish Council, so as to be at their disposal with the consents recorded in the 1965 Conveyance; with the result that the Conveyance took effect as expressed. I am therefore satisfied that Mr P H King and Mr D J King are the owners of the Unit Land, and I shall accordingly direct the Gloucestershire County Council as registration authority to register Mr Philip Herbert King of Marks Villa, Kents Lane, Standon, near Ware and Mr David John King of 12 Hare Street Road, Buntingford as the owners of the land 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 12<sup>th</sup> day of December 1978

*C. A. Bacon*

Commons Commissioner