



COMMONS REGISTRATION ACT 1965

Reference No.37/U/32

In the Matter of Danehill Common,  
Danehill, East Sussex.

DECISION

This reference relates to the question of the ownership of land known as Danehill Common, Danehill, being the land comprised in the Land Section of Register Unit No.C.L.78 in the Register of Common Land maintained by the East Sussex 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Lewes on 29th November 1972.

At the hearing Mr. R.B.S. Walker, solicitor, appeared for Mr. and Mrs. B.S. Sack, of 34 Cliveden Place, London, S.W.1., and Mr. J. Niebor, solicitor, appeared for the Danehill Parish Council and the Vicar and Churchwardens of Danehill as Trustees of the Danehill Church of England Controlled School.

The land comprised in the Register Unit consists of six separate parcels, only four of which it is necessary to mention in detail.

The first of these parcels lies on the north-west side of Tanyard Lane and forms part of a property known as Chelwood Clump. Mr. Walker produced a conveyance dated 1st December 1971, whereby this property was conveyed to Mr. and Mrs. Sack by Mrs. E.A. Francke, formerly Miss E.A. Lovell. Mr. Walker also produced an abstract of Miss Lovell's title to the property back to 1910 and the certificate of the marriage of Miss Lovell to Mr. J.V.G. Francke on 20th June 1965.

The second parcel lies to the west of the first and consists of land forming the curtilage of the Danehill Church of England School. This land was conveyed by the then Earl of Sheffield and the Hon. Henry Holroyd as the person next entitled in remainder to the Minister and Chapelwardens of the Chapelry of Danehill by deed dated 26th October 1861 under section 2 of the School Sites Act 1841. The district of Danehill became a parish with full parochial status as from 1st April 1969 by virtue of section 86(1) of the Pastoral Measure 1968.

In identifying these parcels I have had the advantage of a written agreement made since the hearing by Mr. and Mrs. Sack, the Vicar and Churchwardens of Danehill, and the Danehill Parish Council.

After the hearing Messrs. Beale & Co, solicitors for Mr. and Mrs. T.D.L. Rose, of Danehill Lodge, wrote to the Clerk of the Commons Commissioners stating that their clients claimed to be the owners of two of the parcels of land



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comprised in the Register Unit. Both these parcels lie on the south-east side of Tanyard Lane and are the only two parcels on that side of the lane. Messrs. Beale & Co. produced copies of documents which show that these two parcels of land were conveyed on 29th July 1960 by Archdale Land & Property Company Ltd to Mrs. Angela Lyon Butler, who on 16th November 1971 conveyed them, with other property at Danehill, to Mr. and Mrs. Rose.

Having informed the solicitors for the Danehill Parish Council of this claim and those solicitors having confirmed in writing that the Parish Council claims no title to these two parcels of land, I have come to the conclusion that I can proceed to deal with the claim without putting the parties to the expense which would be incurred if I were to arrange a further hearing of the reference.

For these reasons I am satisfied that Mr. and Mrs. Sack, the Vicar and Churchwardens of Danehill, and Mr. and Mrs. Rose are the owners of the respective parcels referred to above, and I shall accordingly direct the East Sussex County Council, as registration authority, to register Mr. and Mrs. Sack, the Vicar and Churchwardens of Danehill and Mr. and Mrs. Rose as the owners of the respective parcels under section 3(2) of the Act of 1965.

In the absence of any evidence relating to the remainder of the land comprised in the Register Unit I am not satisfied that any person is the owner of such 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 may, within 5 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 7<sup>th</sup> day of May 1973

Chief Commons Commissioner