



COMMONS REGISTRATION ACT 1965

Reference No 37/U/48

In the Matter of land at Copthorne Common,
Worth, Cuckfield R.D., East Sussex

DECISION

This reference relates to the question of the ownership of land at Copthorne Common Worth, Cuckfield Rural District being the land comprised in the Land Section of Register Unit No CL 87 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 person 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 6 March 1973. The hearing was attended by Mr Miles Thornewill who was represented by Mr R A Haig Solicitor of Messrs Munro Pennefather Solicitors of 116 Cannon Street London EC4 and by the Copthorne Womens Institute (they applied for the registration) who were represented by Mrs A Wakeling, their president.

Mr Haig in the course of his evidence produced a conveyance dated 21 May 1929 by which Mr H P Waters conveyed to the Claimant the lands farmhouse and farm buildings known as "Haynes Farm", containing 22 acres and 25 perches as described in the schedule thereto and for the purpose of identification delineated on the annexed plan. He held this conveyance on behalf of the Claimant.

Mrs J Miller who is the daughter of the Claimant, in her evidence identified the land ("the Unit Land") comprised in this Register Unit with the part of the land described in the conveyance schedule as "No 532; Grass; acreage 7.524" and "Part No 534; Grass: acreage 2.270". She said that the Claimant had ever since he bought the farm in 1929 lived and was still living in the Farmhouse (north of the Unit Land) and occupied and farmed the Unit Land as part of the Farm. In January 1950 he had acquired a piece of woodland south of the Unit Land and held it as part of the farm.

Mrs Wakeling said that when on behalf of Copthorne Womens Institute she applied for registration of Copthorne Common and drew a map including the Unit Land in this Common, she did not realise it was part of the farm belonging to the Claimant.

On the above evidence I am satisfied that the Claimant is the owner of the land, and I shall accordingly direct the East Sussex County Council, as registration authority, to register Mr Miles Thornewill of Haynes Farm, Copthorne Sussex as the owner 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 19th day of March 1973

a. a. Baden Fuller