



COMMONS REGISTRATION ACT 1965

Reference Nos. 225/U/259

In the Matter of Alderford Common, Swannington

DECISION

This reference relates to the question of the ownership of land known as Alderford Common, Swannington, being the land comprised in the Land Section of Register Unit No. CL.186 in the Register of Common Land maintained by the Norfolk County Council of which no person is registered under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cromer on 30 July 1991 and visited it the same day.

At the hearing the Swannington Parish Council (claimants) were represented by Mrs Mutimer (vice-chairman) and Mrs Claxton (clerk). Mr T Mosedale, solicitor, represented the Registration Authority.

The only claimants to ownership were the Swannington Parish Council whose claim is based on acts of ownership. They have no paper title.

Mrs Claxton produced a number of documents, the most important of which, because the oldest, are extracts from the minute book of the Parish Council.

The first reference to Alderford common is found in the minutes of a meeting held on 24 October 1925 which discussed the prevention of gipsies from remaining on Alderford common a matter which was also referred to in the minutes of the meeting on 15 November 1934.

On 22 May 1950 a letter from the Rural District Council asking for permission to deposit refuse on Alderford Common was read and limited permission was granted. On 28 April 1959 it was decided that parishioners should be allowed to deposit old iron in a pit on Alderford Common.

In 1986 the Parish Council co-operated with the Nature Conservancy Council in notifying Alderford Common as a site of special scientific interest.

It is quite clear from the formal notification documents and subsequent correspondence that the Nature Conservancy Council and the Parish Council were treating the Parish Council as the owner of the common. The subsequent correspondence relates among other matters to the construction and improvement of winter quarters for bats in an old lime kiln on this common which I was able to see in the course of my visit.

In the absence of any evidence to the contrary these documents standing alone would provide a strong claim to the ownership of this land.

But they do not stand alone. The only other possible claimant would be the Lord of the Manor of Swannington. However Mr Richard Anthony Brooke Winch who for some forty years up to 1990 was both Lord of the Manor and Chairman of the Parish Council gave evidence that he made no claim to the ownership of ^{Alderford} ~~Update~~ Common and that all the actions he had done in relation to the common were done not as owner but on behalf of the Parish Council as owners.

Corrected under
regulation 33
PL-D 16 Sep 91



On this evidence I am satisfied that the Swannington Parish Council is the owner of Alderford Common and I shall accordingly direct the Norfolk County Council, as registration authority, to register that Council as the owner of the whole of the land comprised in the land section of CL.186 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

13th

day of

September

1991

Peter Langdon-Davies

Chief Commons Commissioner