



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/35

In the Matter of Barningham Green,
Little Barningham, North Norfolk
District, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Barningham Green, Little Barningham, North Norfolk District, being the land comprised in the Land Section of Register Unit No. CL410 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 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 Norwich on 7 December 1978. At the hearing (1) Scottow Parish Council were represented by Mr R Cubitt their clerk, (2) Mr A R Cartwright, who is chairman of the Commons Committee of the Norfolk Society, attended in person, and (3) Mr P G Winterschluden, employed in the Land Agents Department of Savills of 8/10 Upper King Street, Norwich, said he represented the Trustees of the Mott Will Trust, his firm having been asked to attend by Farrer & Co, Solicitors of London.

Mr Cartwright said that the Norfolk Association of Amenity Societies (on whose application the registration was made), is one of the constituent members of the Norfolk Society and explained the principles, which guided the Association when they made this and other registrations under the 1965 Act. Mr Winterschluden requested an adjournment, to which request, Mr Cubitt and Mr Cartwright made no objection. Subject to Mr Winterschluden naming his clients (after the hearing he notified the Clerk that they are Mr Joseph Frederick Burrell and Mr Hugh Murray Coutts-Trotter) I adjourned the proceedings.

I held the adjourned hearing in London 17 July 1979. At this hearing Mr J F Burrell and Mr H M Coutts-Trotter were represented by Mr D A Lockhart, solicitor of Farrer & Co, Solicitor of London.

Mr Lockhart in the course of his evidence produced: (1) a conveyance dated 16 November 1961 by which Sir C E Mott-Radclyffe conveyed to Sir B M M Edwards and Mr J F Burrell about 433.827 acres of land including Green Farm, Little Barningham in the Schedule described (about 235.775 acres) upon trust for sale and to hold the proceeds of sale upon the trusts of the Trust Fund constituted by a settlement created by the will and codicil of Mr John Stanley Mott (he died 9 February 1927); and (2) an appointment dated 1 January 1967 by which Mr H M Coutts-Trotter was appointed a new trustee of the said conveyance in the place of Sir B M M Edwards who retired.

By comparing the plan annexed to the 1961 conveyance with the Register map, Mr Lockhart claimed (rightly I think) that the land in this Register Unit was by the conveyance expressly conveyed as part of Green Farm. I am therefore satisfied that Mr Burrell and Mr Coutts-Trotter are the owners of the land, and I shall



accordingly direct the Norfolk County Council, as registration authority, to register Mr John Frederick Burrell of 66 Lincolns Inn Fields, London WC2 and Mr Hugh Murray Coutts-Trotter of The Stock Exchange, London EC2 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 24th — day of July — 1979.

a. a. Baden Fuller

Commons Commissioner