



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/251

In the Matter of Billingford Common,  
Billingford, Breckland District, Norfolk

DECISION

This reference relates to the question of the ownership of the part ("the Referred Part") hereinafter defined of the land known as Billingford Common, Billingford, Breckland District being the land comprised in the Land Section of Register Unit No. CL96 in the Register of Common Land maintained by the Norfolk County Council. The Referred Part means OS parcel numbers 21 and 28 of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

With the reference Norfolk County Council sent some copy correspondence between them and "the new claimants" including letters from Solicitors acting for Bruce Seaman Farms Limited dated 10 August and 15 October 1987 and copies of a conveyance dated 5 April 1982 by Anthony Seaman & Sons Limited to Hadegross Limited and of two certificates dated 29 April 1982 and 5 July 1982 recording the change of the name of Hadegross Limited to Bruce Seaman Limited and then to Bruce Seaman Farms Limited. Following upon the public notice of the reference: (1) Ms Brenda E Fewster of the Old Bell Farm in a letter dated 20.2.88 said (among other things) that she had always been given to understand by the older inhabitants of the village that the Earl of Leicester gave an entitlement to common land in Billingford Common to the occupants of the Bell public house; (2) Mrs I J Burnett of the Old Post Office in letters received 24 February and 22 March 1988 first indicated a possible claim, and then withdrew it; and (3) Solicitors for Mr Bruce Seaman and Bruce Seaman Farms Limited in letters dated 17 February and 18 April 1988 gave much information about the ownership of the Referred Part. No other person claimed to have information as to the ownership of the Referred Part.

I held a hearing for the purpose of inquiring into the question of the ownership of the Referred Part at East Dereham on 28 June 1988. At the hearing: (1) Bruce Seaman Farms Limited ("BSFL") and (2) Mr Bruce Donald Seaman of Hall Farm, Beddingham, Bungay were represented by Mr T C Eaton, solicitor of Overbury, Steward & Eaton, Solicitors of Norwich; and (3) Norfolk County Council as registration authority were represented by Mr J E Richardson of the solicitors branch of their Chief Secretary's Department.

The land ("the Unit Land") in this Register Unit as originally registered on the application of Billingford Parish Council was an area having a length of about half a mile from west to east, and having a width varying between 350 yards and 150 yards. Following on an Objection made by the Rt Hon T W E 5th Earl of Leicester, a consent decision dated 18 July 1974 was made by the Chief Commons Commissioner confirming the original Land Section registration with the modification: the exclusion of OS Parcels Nos 9 and 57 (the east part of the Unit Land, about  $\frac{1}{4}$  of a mile long and containing a little more than 14 acres) and No. 23 (containing a little more than  $2\frac{1}{2}$  acres).



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At that time the Earl of Leicester was registered as owner of the whole of the Unit Land except OS Nos 15, 17, 16, 21, 28 and 26. In a decision dated 11 May 1981, after a hearing at Norwich on 16 March 1981, a Commons Commissioner said he was satisfied that OS Nos 15, 16, 17 and 26 were owned as therein mentioned, but as to OS Nos 21 and 28 he was not satisfied that any person is the owner and they would therefore remain subject to protection under section 9 of the Act of 1965. This decision was recorded in the Ownership Section of the Register. According to the OS map Nos 21 and 28 (being the Referred Part) contain respectively 2.081 and 5.607 acres.

At my June 1988 hearing Mr Eaton opened the proceedings by claiming on behalf of BSFL ownership of the Referred Part. He thought that the original registration was incorrect. About the correspondence copies of which had been sent by the County Council to the Commons Commissioners, the mistake specified in the June-September 1962 letters had been corrected; the letter from Daynes Hill & Perks (DHP), Solicitors of Norwich were for a client of theirs who was interested in purchasing from BSFL the Referred Part and other land and who wished them to satisfy a Commons Commissioner about their ownership. He understood that at the March 1981 hearing no documentary title to the Referred Part had been produced and that BSFL did not know about the hearing and that was why they were not there.

Mr B D Seaman who is now 56 years of age and is a director of BSFL, in the course of his oral evidence produced the documents specified in the Schedule hereto and said (in effect):- His father Anthony Seaman purchased OS Nos 21 and 28 (the Referred Part) at the 1946 auction (BDS/1). His father conveyed them with other land to Anthony Seaman & Sons Ltd in 1954 (BDS/2). He (the witness) was one of their directors from April 1950 to April 1982. The shareholders were (? included) himself and his brothers and sister. In 1982 they decided to split up the Company into six so in the result everyone (of the six) had land in lieu of shares. OS Nos 21 and 28 were included in the land taken by BSFL, then called Hadegross Limited (BDS/3, 4 and 5) of which he had been a director since April 1950. Ever since 1946 Anthony Seaman & Sons Limited and BSFL had successively been in possession of OS Nos 21 and 28 without any adverse claim. The 1946 conveyance (mentioned in the Schedule to the 1954 conveyance, BDS/2) could not be found; the family solicitors at the time (Hood Vores & Allwood) could not trace it. His father died in November 1986.

On the day after the hearing, accompanied by Mr B D Seaman, I inspected the Referred Part and saw much of the adjoining parts of the Unit Land.

I was unable to deduce from what I saw that the registration of the Unit Land as it now stands in the Land Section was necessarily a mistake (it may have been). It may be that the Second Annual Inclosure Act 1864 (27 & 28 Vict. c.66) and the Billingford Cow Common Award dated 23 August 1867, confirmed 10 September 1867 and mentioned in the indenture of 26 May 1920 produced at the March 1981 hearing, may throw some light on the history of the Unit Land. However this may be, the Land Section registration is now final and is under section 10 of the Commons Registration Act 1965 conclusive evidence of the matters registered. So I have no jurisdiction to alter it or in these proceedings to consider ownership otherwise than on the basis that the Referred Part was properly registered under the 1965 Act as common land.



As to ownership, I do not regard the letter from Ms B E Fewster as casting any doubt in the evidence given by Mr B D Seaman. On his evidence I am satisfied that BSFL are the owners of the Referred Part and I shall accordingly direct the Norfolk County Council, as registration authority, to register Bruce Seaman Farms Limited of 7 Queen Street, Norwich as the owner of the Referred Part 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.

## SCHEDULE

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|-------|-----------------|---|
| BDS/1 | 23 August 1946  | Paper (28" x 16") advertising auction on instructions of Mrs Watson "Lot 2 - Billingford Common. All those 2 enclosures of Rough Pasture Land, numbered 21 and 28 on OS map and containing 7a.2r.30p. ... in the occupation of the Vendor..."   |
| BDS/2 | 11 October 1954 | Conveyance by Anthony Seaman to Anthony Seaman & Sons Limited of property described in Schedule:- Elmham Old Hall Farm containing 289a.35p; a dwellinghouse with farm building containing 28a.1r.17p. at North Elmham; land containing 6.287 acres in North Elmham; "two enclosures of pasture land situate at Billingford ... numbered 21 and 28 ... (OS map) ... containing ... (7a.2r.30p.) ... shown on the map ... on a Conveyance dated ... (11 October 1946) ... between Laura Frances Watson ... and Anthony Seaman ..."; land situated in Billingford containing 1r. with 3 cottages; and 2 cottages in Billingford. |
| BDS/3 | 5 April 1958    | Conveyance by Anthony Seaman & Sons Limited (the Parent Company) to Hadegross Limited (the <del>Subsidiary</del> Company) of property described in Schedule:- Land in Billingford including Billingford Hall and 2 cottages containing 112.611 acres; with OS field Nos in Part II, including 21 and 28 with acreage 2.081 and 5.607.   |
| BDS/4 | 29 April 1982   | Certificate of incorporation on change of name from Hadegross Limited to Bruce Seaman Limited.  |



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BDS/5 5 July 1982

Certificate of incorporation on change of name  
from Bruce Seaman Limited to Bruce Seaman Farms  
Limited.

Dated this 8<sup>th</sup> \_\_\_\_\_ day of August \_\_\_\_\_ 1988

*a. a. Baden Fuller*

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Commons Commissioner