



COMMONS REGISTRATION ACT 1965

Reference Nos. 225/U/10
225/U/11

In the Matter of East Winch Common (2 pieces),
East Winch, West Norfolk District, Norfolk

DECISION

These references relate to the question of the ownership of lands known as East Winch Common (2 pieces), East Winch, West Norfolk District, being the lands comprised in the Land Section of Register Unit Nos. CL.141 and CL.211 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 these references the Norfolk Naturalists Trust claimed to be the owners of the CL.141 land. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at King's Lynn on 26 November 1975. At the hearing, the Norfolk Naturalists Trust, on whose application the CL.141 registration was made, were represented by Mr J H Howard solicitor of Cozens-Hardy & Jewson, Solicitors of Norwich, and Miss Dagmar H Smith on whose application Entry No. 12 in the Rights Section had been made, and who was clerk of the Parish Council when they applied for the registration of the CL.211 land, was present in person on her own behalf and as representing Mrs F E H Quadling on whose application Entry No.2 in the Rights Section had been made.

The lands ("the Unit Lands") comprised in these two register units, which contain (according to the 1975 conveyance mentioned below) about 30 acres are south of and adjoin the A47(T) road, being opposite the Hall and separated from each other by a side road leading to West Bilney. In the Rights Section of each of these Register Units, 45 Entries have been made of rights to graze and to take tree loppings or wood of various kinds.

Mr Howard relied on an affidavit sworn on 17 November 1975 by Mr G R Montgomery, who is the Secretary of the Norfolk Naturalists Trust. To this affidavit are exhibited copies of the following documents (the originals were all produced by Mr Howard at the hearing):- (1) a deed of gift dated 2 August 1975 by which Mr Osbert Lancaster with the concurrence of the trustees of a settlement of which he is the tenant for life and also with the concurrence of Mr W O Lancaster as remainderman conveyed the Unit Lands to the Norfolk Naturalists Trust, (2) an abstract of the title of Mr O Lancaster to East Winch Common commencing with a conveyance dated 11 October 1900 by which the Lordship of the Manor "of Wynch alias East Wynch alias Pedders Wynch..." and East Winch Hall and other lands therein described, to Sir W J Lancaster; and (3) a statutory declaration made by Mr O Lancaster on 25 July 1973 and the exhibits OL1, OL2, OL3, OL4 and OL5 thereto.



Mr Montgomery (in his affidavit) said (in effect):- The Unit Lands have been declared a Site of Special Scientific Interest under section 19 of the National Parks and Access to the Countryside Act 1949. It is one of the best remaining areas of wet acid heath land in West Norfolk. Since their acquisition, the Trust has appointed an Honourary Warden and an Assistant Honourary Warden; officials and members of the Trust frequently visit the property. Scrub has been cleared to make an area of open heath, rubbish has been cleared, notice boards erected, and the cutting of firewood brought under control. These activities do not interfere with the rights registered.

The abstract of title shows that Mr O Lancaster under a settlement dated 18 May 1920 made by Sir W J Lancaster (his grandfather), after the death of his uncle Mr J L Lancaster on 14 February 1951, succeeded to the Manor comprised in the 1900 conveyance and that by a vesting assent dated 15 May 1953, the Manor together with the advowson or right of patronage to the Church of East Winch (but not the Hall and other land, they having been sold in 1925) was vested in him. In his 1973 declaration, Mr O Lancaster said (in effect) that the Unit Land always belonged to the Manor and described various things which he had done on the basis that he was the owner.

On the evidence outlined above, I am satisfied that the Trust are the owners of the lands and I shall accordingly direct the Norfolk County Council, as registration authority, to register the Norfolk Naturalists Trust of 72 The Close in the city of Norwich as the owners of the lands under section 3(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 22nd day of December 1975

a. a. Baden Fuller

Commons Commissioner