



COMMONS REGISTRATION ACT 1965

Reference No. 35/U/19

In the Matter of two pieces of Land, part
of Lakenheath Warren, Lakenheath, Forest
Heath D., Suffolk

DECISION

This reference relates to two parts ("the Referred Parts") hereinafter defined, of one of the two pieces of land ("the Registered Pieces"), both of which are part of Lakenheath Warren, Lakenheath, Forest Heath District (formerly Mildenhall Rural District) and both of which are comprised in the Land Section of Register Unit No. CL.27 in the Register of Common Land maintained by the Suffolk County Council. The Registered Pieces were registered pursuant to an application dated 18 March 1968 and made by the Parish Council. One ("the West Piece") of the Registered Pieces is situate in the area of Maids Cross Hill, is on the west side of Lakenheath Airfield, and contains (as I estimate very roughly from the Register map) about 150 acres. The other ("the East Piece") of the Registered Pieces is on the east side of the Airfield and of the A.1065 road, includes Lakenheath Lodge, and contains (similarly estimated) about 1,200 acres. Eleven rights of common have been registered over the Registered Pieces. The Secretary of State for Defence is registered as owner of a small part containing (similarly estimated) 0.1 of an acre of the West piece; this part is (so I was told) used as an Air Ministry Observer Corps Post. The Earl of Iveagh is registered as owner of the whole of the East Piece and as owner of the southwest and larger part containing (similarly estimated) about 125 acres of the West Piece. One part ("the North-west Referred Part") of the Referred Parts is the north-west corner of the West Piece, surrounds the Observer Corps Post (this is near the south boundary) contains (similarly estimated) about 14 acres and is all south of the north boundary of O.S. Nos. 1015 and 1018 as shown on the inset register map of this Register Unit. The other ("the North-east Referred Part") is on the northeast corner of the West Piece, contains (similarly estimated) about 9 acres and is all north of the line B.C. marked on the register map of this Register Unit. Of the Referred Parts, no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of these references, Mills & Reeve, Solicitors of Norwich in a letter dated 27 March 1974 said that their clients, the Executors of G.C.C. Knight had disposed of this land by a conveyance dated 3 March 1972 to Lord Iveagh, and the Elveden Estate in a letter dated 26 March 1974 claimed ownership of part of the Referred Parts. No other person claimed to be the freehold owner of the Referred Parts or to have any information as to their ownership.

I held a hearing for the purpose of inquiring into the ownership of the Referred Parts of Bury St. Edmunds on 25 June 1974. At the hearing the Earl of Iveagh was represented by Mr. J. Moore, legal executive, of Travers Smith & Braithwaite, Solicitors of 3 Throgmorton Avenue, London, and Mr. Albert Rolph (he has registered a right of common over the Registered Pieces) attended in person.



Mr. Moore in the course of his evidence, produced: (1) an examined abstract dated 1972 of the title of the Executors of G.C. Knight to premises at Lakenheath, (2) a deed dated 5 February 1964 between (i) P.A. Bainbridge and G.C.A. Doughty and (ii) the Ely Mildenhall and Newmarket Water Board, and (3) a conveyance dated 8 March 1972 between (i) P.A. Bainbridge and G.C.A. Doughty and (ii) the Rt. Hon. A.F.B. the Earl of Iveagh. By the 1972 conveyance, the Northwest Referred Part was conveyed to Lord Iveagh. By the 1972 abstract, the title of P.A. Bainbridge and G.C.A. Doughty as executors of G.C. Knight to the Northwest Referred Part (and much other land nearby) was regularly deduced, commencing with a conveyance of sale, dated 24 February 1930.

Mr. Moore whose firm (he has been with them since 1937) has acted for successive Earls of Iveagh at least since 1900, said in effect:- The Elveden Estate was acquired in 1894 by the then Earl. The Estate contains about 20,000 to 23,000 acres. The Northwest Referred Part was bought because it fitted in with the north boundary of the Estate.

Mr Rolph who is 77 years of age, was born in Lakenheath and was for nearly 30 years chairman of the Parish Council (he retired about ten years ago) gave evidence to the following effect:- During his Chairmanship, the Northeast Referred Part was being and has ^{since} been used as a rubbish dump. Some years ago it was conveyed to the Parish Council in consideration of the Council paying the costs of the conveyance. Subsequently the Parish Council granted a lease of the Northeast Referred Part to the Rural District Council.

After the hearing the Parish Council sent to the Clerk of the Commons Commissioners (1) a conveyance dated 27 January 1958 between (i) B.W. Baron Moyne and others and (ii) Parish Council of Lakenheath, (2) an examined abstract dated 1957 of the title of the Trustees of the Elveden Settlement to property known as the Elveden Estate, and (3) an official certificate of search dated 22 January 1958 made under the Land Charges Act 1925 endorsed with a certificate dated 27 January 1958 that the entries did not affect. By the 1958 conveyance in consideration of £9=1=0, the Northeast Referred Part was conveyed to the Parish Council. By the 1957 abstract, the title of the 1958 conveying parties to the Northeast Referred Part (with the land) was regularly deduced from a vesting assent dated 30 April 1928. Mr V.C. Phillips, Clerk of the Parish Council in his covering letter dated 16 July 1974 confirmed the evidence of Mr. Rolph as set out above.

Upon the evidence summarised above, I am satisfied that the Earl of Iveagh is the owner of the Northwest Referred Part and the Parish Council is the owner of the Northeast Referred Part, and I shall accordingly direct the Suffolk County Council as registration authority to register under Section 8(2) of the Act of 1965 the Right Honourable Arthur Francis Benjamin Earl of Iveagh as the owner of the Northwest Referred Part and the Lakenheath Parish Council as the owner of the Northeast Referred Part and I shall in my direction to the County Council define these two Parts by reference to this decision.

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 26th day of July 1974

a. a. Baden Fuller.