



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/260

In the Matter of Swannington Common, Swannington

DECISION

This reference relates to the question of the ownership of land known as Swannington Common, Swannington, being the land comprised in the Land Section of Register Unit No. CL.187 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.

Swannington Common (also known as "the green") is a small roadside area (0.607 hectares).

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 minute affecting this land relates to the meeting of 17 February 1905 when it was unanimously agreed that no caravans or travelling shows of any kind be allowed to stop on the commons in the Parish. On 21 April 1908 it was agreed that the beck across the village green which must, I think, refer to this common should be cleared out.

At the meeting on 22 May 1950 a letter from the Rural District Council was read asking for permission to deposit refuse on Swannington or Alderford Common. Permission was granted to deposit on Alderford Common only.

Copies were produced of wayleave consents given on 11 June 1971 and 20 July 1985 by the Parish Council as owner and occupier authorising the erection by the Eastern Electricity Board of posts and wires across Swannington Common.

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 Swannington 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.



On this evidence I am satisfied that the Swannington Parish Council is the owner of Swannington 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.187 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 Landon-Davis

Chief Commons Commissioner