



COMMONS REGISTRATION ACT 1965

Reference No.25/D/168

In the Matter of Two Pieces of Land  
additional to Leziate Fen, Leziate,  
Norfolk (No.1)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL.181 in the Register of Common Land maintained by the former Norfolk County Council and is occasioned by Objection No.111B made by Messrs. A.D. and A.Brand and noted in the Register on 24th August 1970.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 26th June 1974. The hearing was attended by Mr.P.H.Rippon, solicitor, on behalf of the Leziate Parish Council, which applied for the registration, and by Mr.M.R.W.Ward, solicitor, on behalf of the Objectors.

There is no dispute about the registration of most of the land comprised in the Register Unit: the dispute relates solely to Ordnance Survey No.120 on the south of the land comprised in the Register Unit. The Objection does not specify the whole of C.S.No.120 as not being common land, but only the eastern half of it, stated to be owned by the Objectors. However, the evidence relates to the whole of C.S.No.120 and I can see no reason for drawing any distinction between one part and another.

The evidence is somewhat meagre. It begins with the Tithe Apportionment Award, which shows most of the land comprised in the Register Unit as common land and what is now C.S.No.120 with a tenant. On the Ordnance Survey Map of 1885 the part shown as common land in the Award is shown as one parcel with an area of 103.225 ac. On the modern Ordnance Map this land is divided into several parcels having an aggregate area of 103.374 ac. In a report on Leziate Heath made in 1912 by Mr (afterwards Sir) Lawrence Chubb, the Secretary of the Commons and Footpaths Preservation Society, Leziate Heath is distinct from the land comprised in the Register Unit, which is known as Leziate Fen, but in the course of his report Mr.Chubb stated that the Fen had an area of 104 ac.2r.39p. Despite these trifling differences in area, I have no hesitation in identifying the common land of the Tithe Award as the land comprised in the Register Unit with the exclusion of C.S.120.

Mr. Rippon called a witness who had known Leziate Fen since 1910. The witness remembered cattle from three farms in the vicinity grazing on the Fen, but he was unable to say that he had ever seen them on C.S.No.120. Indeed, he said that there was a rail between C.S.No.120 and the Fen to stop cattle crossing from one to the other.

On this evidence I confirm the registration with the following modification:- namely the exclusion of the land comprised in Ordnance Survey No.120.



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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 ~~18<sup>th</sup>~~ day of July 1974

A handwritten signature in black ink, appearing to read 'G. J. G. G.', written over a horizontal line.

Chief Commons Commissioner