



COMMONS REGISTRATION ACT 1965

Reference No 238/U/22

In the Matter of Leith Slipes,  
Houghton, Arun District, West  
Sussex

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### DECISION

This reference relates to the question of the ownership of land being pieces of Manorial Waste known as Leith Slipes, Houghton, Arun District being the land comprised in the Land Section of Register Unit No CL. 291 in the Register of Common Land maintained by the West Sussex 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 this reference Mr M J Lock (chairman of Houghton Parish Meeting) said (letter dated 14 January 1977) that this land is owned in three shares under the Enclosure Award dated some years ago, one share being owned by the Duke of Norfolk, one by the Fletcher Estate and one by Mr William Ayling. No person claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 12 and 14 April 1978. At the hearing (1) Schroder Executor & Trustee Company Limited, the Hon Mark Fitzalan Howard and the Hon James Reginald Drummond ("the Norfolk Estate Trustees") and (2) Mr William Robert Ayling and Mr Robert William Cunningham Ayling were represented by Mr J S Dean solicitor of Holme Campbell & Co, Solicitors of Arundel.

The land ("the Unit Land") comprised in this Register Unit is a strip about 600 yards long, its southeast boundary being the bank of the River Arun, and its north corner being just south of the Village of Houghton. During the hearing the OS map 1912 edition (25 inches = 1 mile) was produced and for the purposes of exposition it is convenient to divide the Unit Land by reference to this map into two parts: (i) a part ("the Ayling Part") as specified in the Schedule hereto, and (ii) a part ("the Norfolk Part") being the remainder.

Mr W R Ayling who is 73 years of age in the course of his evidence produced: (1) a conveyance dated 8 August 1934 by which there was conveyed to Mrs Charlotte Ayling "ALL those three freehold allotments of land in Leith Hanger Houghton in the County of Sussex and now in the respective occupations of T Vincent, Mrs Heard and Mr Fenn"; (2) a copy probate dated 17 February 1969 of the will of Mrs C Ayling, (3) an assent dated 15 May 1969 by which her personal representatives (being Mr W R Ayling and his wife Mrs F S Ayling) assented to the vesting in him of the land comprised in the 1934 conveyance, and (4) a conveyance dated ...(?1976) by which Mr W R Ayling conveyed the same land to Mr R W C Ayling.

Mr W R Ayling said (in effect):- Mrs C Ayling was his mother and Mr R W C Ayling is his son. He knew the Unit Land as "Leith Slipes" (not "Slips" as described in the Register). By the River bank the Unit Land is flat; along the length of this flat part there is a footpath or bridleway; the ground there is very soft and



floods at high tides. The other part of the Unit Land slopes upwards from the flat part. The land which his mother acquired under the 1934 conveyance is part of this sloping part; at the time there were 3 huts (weekend huts used for night fishing); he remembered Mr T Vincent, Mrs Heard and Mr Fenn occupying them. Since 1934 one of the huts has been removed and the two others are now chalets. His mother received rent from the huts or chalets up to her death; he received such rent subsequently and it is now being received by his son. He identified the Ayling Part described in the Schedule hereto as the land so acquired by his mother.

Mr Dean in the course of his evidence produced (1) an examined copy of an examined abstract of the title of lands forming part of the Duke of Norfolk's Parliamentary Estate which included a vesting deed dated 22 July 1927 made by the Rt Hon E B Viscount Fitzalan of Derwent and others, a vesting deed dated 12 July 1929 in favour of The most noble B M Duke of Norfolk and probate (The) dated 16 May 1975 of his will (he died 31 January 1975) in favour of Norfolk Estate Trustees. This 1927 deed → refers → to the OS map 1896-98 editions (25" = 1 mile) and its parcels include the Norfolk Part. Mr Dean said that his firm have dealt with → the Norfolk Estate for 50 years and upwards, during that time being as they now are their Sussex solicitors.

On the evidence summarised above I am satisfied that Mr R W C Ayling and the Norfolk Estate Trustees are respectively the owners of the Ayling Part and the Norfolk Part, and I shall accordingly → pursuant to section 8(2) of the Act of 1965 direct the West Sussex County Council as registration authority to register Mr Robert William Cunningham Ayling of Old Farm, Houghton as the owner of the Ayling Part of the land comprised in this Register Unit (such part being in my direction defined by reference to the Schedule to this decision) and to register Schroder Executor & Trustee Company Limited of 120 Cheapside, London EC2 6DS, the Hon Mark Fitzalan Howard of 13 Campden Hill Square, London W8 and the Hon James Reginald Drummond of Glensone, New Abbey, Dumfries in Scotland as the owners of the remaining part of the said land.

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  
("The Ayling Part")

In this decision the Ayling Part means the part of the land comprised in this Register Unit which is included in the northeast part of Plot No 57 as marked on the OS map (1912 edition; 25 inches = 1 mile), and which is bounded on the eastnortheast by a straight line obtained by producing the straight line boundary between OS plot No 50 (area 7.326) and OS plot No 56 (area 1.497) and which is bounded on the westsouthwest by a trench cut in a line running approximately north and south being approximately 174 yards from the above mentioned straight line eastnortheast boundary.

Dated this 21<sup>st</sup> day of April — 1978  
ca. Baden Fuller

Commons Commissioner