

COMMONS ACT 2006 section 19

The Commons Registration (England) Regulations 2014 No.3038
Application to correct the register on the basis of a mistake by the Commons
Registration Authority in registering land and a building at Cromer Lodge, Flegg
Green, Wereham as common land – Wereham Common, CL 437

FINAL DECISION

The application, dated 14 September 2015 was made to Norfolk County Council as the relevant Commons Registration Authority (CRA), on the prescribed form CA 10 under the Commons Act 2006, section 19, by Mr Julian Vine on behalf of himself, Mr Stewart Vine, Mrs Margaret Hennessey and Mrs Anne Parsons. The parcels of land which are the subject of this application are shown on the attached plan. The land shown as 'Cromer Lodge' which was registered mistakenly as common land is shown edged in green and the waste land which was not registered as common land, is shown edged and hatched in red.

Section 19 of the Commons Act 2006 allows applications to correct certain errors in the registers. Section 19(2) sets out the purposes for which a correction can be made.

Section 19 reads as follows:-

19. Correction

(1) A commons registration authority may amend its register of common land or town or village greens for any purpose referred to in subsection (2)

(2) Those purposes are -

(a) correcting a mistake made by the commons registration authority in making or amending an entry in the register;

(b) correcting any other mistake, where the amendment would not affect -

(i) the extent of any land registered as common land or as a town or village green: or

(ii) what can be done by virtue of a right of common

(c) removing a duplicate entry from the register;

(d) updating the details of any name or address referred to in an entry

(e) updating any entry in the register relating to land registered as common land or as a town or village green to take account of accretion or diluvion

(3) References in this section to a mistake include -

(a) a mistaken omission, and

(b) an unclear or ambiguous description

and it is immaterial for the purposes of this section whether a mistake was made before or after the commencement of this section.

(4) An amendment may be made by a commons registration authority

(a) on its own initiative (NB this power is not yet in force in Norfolk)

(b) on the application of any person.

(5) A mistake in a register may not be corrected under this section if the authority considers that, by reason of reliance reasonably placed on the register by any person or for any other reason, it would in all the circumstances be unfair to do so

Taking this test into account, was a mistake made by the CRA, as stated by Mr Vine on behalf of the applicants for the correction of the register under section 19, when it included Cromer Lodge in the registration of Wereham Common? The answer to that question is 'yes'. It is clear from an examination of the historic documentation that the application was **intended** to refer to part of the manorial waste land between Ordnance Survey (OS) parcel numbers 202 and 197 and not to OS 197 (Cromer Lodge) but that the combination of a poor underlying tracing and rough colouring made it difficult to be sure from consideration of the plan alone quite what the applicant intended to register. Cromer Lodge was mistakenly registered as common land in 1970, instead of the adjoining waste land of the manor to the south west. Cromer Lodge should be deregistered. The manorial waste land which should have been included in Common Land Unit CL437 can now be registered as common land.

Therefore the application by Mr Julian Vine on behalf of himself, Mr Stewart Vine, Mrs Hennessey and Mrs Parsons dated 14 September 2015 for the correction of the Common Land Registers for Wereham Common Unit CL437 by the removal of the land and building known as Cromer Lodge, Flegg Green, Wereham as edged in green on the application plan with the registration as common land of the adjacent manorial waste land as edged and hatched in red on the application plan to the south west is granted.

Victoria McNeill

Victoria McNeill,
Head of Law
Norfolk County Council

Date 19 April 2016



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Application for correction of the
Common Land Registers – Cromer Lodge,
Werham under s.19 Commons Act 2006

Norfolk County Council
Werham

567,554.0000 301,223.0000

Date created:
18/09/2015
Scale:
1:1,000

