

**The Commons Act 2006,  
Schedule 2(6) and The Commons Registration (England) Regulations 2014.  
Application to deregister a building and curtilage of a building wrongly  
registered as common land.**

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern. Notice is hereby given that an application has been made by Dr Katharine Ann Campbell to Norfolk County Council as Commons Registration Authority concerning Owl Cottage and curtilage (garden land), The Common, Gateley, Dereham, NR20 5EG as edged red on the plan accompanying the application.

A summary of the effect of the application is as follows: the land was provisionally registered as common land under section 4 of the 1965 Act; on the date of provisional registration, 22 January 1969, the land was covered by a building or was within the curtilage of a building; the provisional registration became final; and since the date of provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building. If the application is granted, in whole or in part, the registration authority will give effect to the determination by removing the land from the register of common land

Representations:

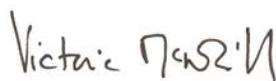
- must quote the Application No. CL350/1/47284
- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the application, and may include an e-mail address
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Legal Orders and Registers Team, Community and Environmental Services, Norfolk County Council, County Hall, Martineau Lane, Norwich NR1 2SG or by email to [denise.bales@norfolk.gov.uk](mailto:denise.bales@norfolk.gov.uk)

Any representations made will not be treated as confidential but will be dealt with in accordance with regulation 25. If the application is referred to the Planning Inspectorate for determination in accordance with regulation 26, any representations will be sent with it for consideration. The date on which the period for making representations expires is 10 August 2015.

Documents relating to the application are available for inspection at Norfolk County Council, Carrow House, 301 King Street, Norwich, NR1 2TN from 26 June up to and including 10 August 2015 between the hours of 9am to 4.30pm Monday to Friday however an appointment is required. Please telephone (01603) 223009. The Notice and accompanying plan can also be viewed by accessing the Councils website [www.norfolk.gov.uk/commonland](http://www.norfolk.gov.uk/commonland)

Dated: 26 June 2015

Signed



Victoria McNeill, Head of Law and Monitoring Officer  
Norfolk County Council



Scale: 1:2500, paper size: A4

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**COMMONS ACT 2006 SCHEDULE 2 paragraph 6**  
**The Commons Registration (England) Regulations 2014 No.3038**  
**APPLICATION TO CORRECT MISTAKEN REGISTRATION OF OWL COTTAGE**  
**and CURTILAGE AS COMMON LAND AT GATELEY, DEREHAM, NR20 5EG**

**NORFOLK COUNTY COUNCIL – FINAL DECISION**

An application, dated 11 March 2015 was made to Norfolk County Council as the relevant Commons Registration Authority on the prescribed form CA 13 under the Commons Act 2006, Schedule 2, paragraph 6. The application sought the removal of the freehold land contained within Title Number NK233858, being Owl Cottage, The Common, Gateley, Dereham, NR20 5EG from the registration as common land. It was submitted by Dr Katharine Ann Campbell of Kites Hill Cottage, 74 Northington, Alfreton, Hampshire, SO24 9TH. Dr Campbell is the registered freehold proprietor of Owl Cottage.

Schedule 2 paragraph 6 of the Commons Act 2006 sets out the circumstances in which buildings registered as common land may be removed from the register:-

*6. Buildings registered as common land*

*(1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.*

*(2) This paragraph applies to land where—*

*(a) the land was provisionally registered as common land under section 4 of the 1965 Act;*

*(b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;*

*(c) the provisional registration became final; and*

*(d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.*

## **How these tests relate to Owl Cottage, Gateley.**

*The land was provisionally registered as common land under section 4 of the Commons Registration Act 1965. The Land Register records that the land was provisionally registered on 22/1/1969. This test is therefore satisfied.*

*The land, on the date of the provisional registration, was covered by a building or within the curtilage of a building.* The applicant has provided convincing evidence in the form of old Ordnance Survey maps which record that at least since 1886 the land boundaries of Owl Cottage have remained the same and again that since that date a building (the western end of Owl Cottage being identified as a Methodist (Primitive) Chapel on the map) has occupied the same 'footprint' or been in the same approximate position. Wikipedia records that 'Primitive Methodism was a major movement in English Methodism from about 1810 until the Methodist Union in 1932. The denomination emerged from a revival at Mow Cop in Staffordshire. 'Primitive' meant 'simple' or 'relating to an original stage'. The Primitive Methodists saw themselves as practicing a purer form of Christianity, closer to the earliest Methodists. Primitive Methodists were characterised by the relatively plain design of their chapels and their low church worship, compared to the Wesleyan Methodist Church from which they had split. Gradually the differences between the Primitive Methodists and the Wesleyans became smaller and the two denominations eventually merged (together with the United Methodists) to become the Methodist Church of Great Britain in 1932'.

The applicant states that the chapel was originally built as a village school in 1874 and was converted into a chapel in 1881. It closed in 1955 and was replaced by the garage to Owl Cottage in 1978.

This information helps when considering the Conveyance end sheets of 16 February 1931 (Codling to Tunny) and 2 September 1947 (Personal Representatives of Tunny to PEJ Eaglen) as it shows by the inclusion of the words 'of cottage and Chapel at Gateley' and 'of a cottage and a building used as a Chapel situate on The Common at Gateley' that they both refer to Owl Cottage and not to the other properties on the Common. The later Conveyance can also be cross-referenced with the Commons Commissioner's Decision regarding the ownership of Owl Cottage to Percy Eaglen and further tied into the Ordnance Survey maps. To add further support, the 1965

aerial photograph shows the white building (Primitive Chapel) shown on the OS plans attached to the west of Owl Cottage. It can be seen that it had a separate entry point through the boundary hedge from Owl Cottage. It is also helpful to note the cultivation of the garden of Owl Cottage with flower and vegetable beds. The Chapel was later converted to provide the extension for Owl Cottage. *The evidence satisfies this test.*

*The provisional registration became final.* The Land Register records "The registration at entry No1 above, being undisputed, became final on 1 August 1972". *This test is therefore satisfied.*

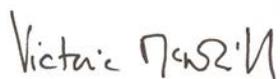
*Since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.* The applicant has provided convincing evidence by way of Ordnance Survey maps, an aerial photograph and witness testimonies in the form of statutory declarations from previous owners of Owl Cottage during the relevant period (1969 to 2015) to satisfy the test that all of the land referred to in the application was and remained covered by a building and was within the curtilage of the building. It is helpful to note in particular the following Statutory Declarations:

- 1) Timothy Robert Wood on 28 April 1999 which records the conveyance to him of Owl Cottage from PEJ Eaglen on 4 August 1978. It states that the property is surrounded by norfolk hedging, with entry and exit points through the five bar gate. It adds that at no time has any third party attempted to exercise any right of common over the property and that no contributions to the upkeep of the access track to Owl Cottage have ever been sought or indeed made
- 2) Mark Colin Baldwin on 16 April 2004 which records the transfer to him from TR Wood on 30 April 1999. It also states that the property is surrounded by norfolk hedging, with entry and exit points through the five bar gate. It adds that at no time has any third party attempted to exercise any right of common over the property and that no contributions to the upkeep of the access track to Owl Cottage have ever been sought or indeed made.
- 3) Michaela Warren on 5 September 2011 which records the transfer to herself and her husband from Mr MC Baldwin on 23 April 2004. Owl Cottage is confirmed to have

been their main residence with the boundary being surrounded by hedge with fencing panels, concrete posts and gravel boards across the back of the property. Entry and exit points are through the five bar gate and at no time has anyone attempted to exercise any right of common over the property and no animals have ever grazed on the property.

Ordnance Survey maps record physical features which were on the ground when the survey was undertaken. They can accordingly be relied upon to provide a snapshot of what was featured on the ground at the time of the survey. The Ordnance Survey maps submitted by the applicant record that since 1886 the land boundaries of Owl Cottage have remained the same and that since that date a building (the Primitive Chapel/Owl Cottage) has occupied the same 'footprint' or been in the same approximate position. In addition, the photographs within the sale particulars and those from the site visit undertaken by the Commons Registration officers confirm that the same cottage is in place on this footprint. It is also clear from the evidence that the land has for many years been capable of being distinguished from the rest of the common by the boundary hedging and fencing. *This test is therefore satisfied.*

On this evidence it is considered that the requirements of Schedule 2, paragraph 6 of the Commons Act 2006 have been satisfied in the case of Owl Cottage, Gateley. The Registers of Common Land for Gateley Common, Gateley, CL350 will be amended to remove Owl Cottage from the Registration. A plan showing the extent of Owl Cottage and the curtilage edged in red is attached



Victoria McNeill  
Head of Law and Monitoring Officer  
Norfolk County Council

2 December 2015