



In the Matter of The Clunch Pit, Toot Hill,
Orwell, Cambridgeshire

DECISION

This reference relates to the question of the ownership of land known as The Clunch Pit, Toot Hill, Orwell, being the land comprised in the Land Section of Register Unit N^o.CL.38 in the Register of Common Land maintained by the Cambridgeshire 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 Village Projects Ltd 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 Cambridge on 25 May 1983. At the hearing the Cambridgeshire County Council was represented by Mr J M Farrar, the County Archivist, and the South Cambridgeshire District Council by Mrs S Pearce, its Clerk.

By the Orwell Inclosure Award, dated 1 November 1837, the land in question was awarded to the Surveyors of the Highways of the Parish of Orwell and a public Church Pit.

One would expect such land to have devolved to the South Cambridgeshire District Council under the Local Government Acts of 1894, 1929, and 1972, but Mrs Pearce showed me what purported to be a copy of a lease of the land by Village Projects Ltd to the Orwell Parish Council. That copy was dated 1977 with the day and the month left blank, but it is stated in a letter dated 17 February 1983 from Mr Vernon W. McElroy, the Chairman of the Orwell Church Pit Management Trust, that the lease is dated 17 July 1977. The lease is for 100 years at a peppercorn rent, with an option to purchase the fee simple upon payment of the sum of £1 on giving notice during the period of six months following the expiration of 99 years from the date of the lease.

Without some evidence of the title of Village Projects Ltd I find myself unable to say that I am satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

11th

day of

July

1983


Chief Commons Commissioner