



## **Mrs. Daphne Buxton creates twentieth century England's first new common**

**by Patrick Wright**

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Rushall is a small Norfolk village, not far from a somewhat larger settlement named Dickleburgh. It has a church, some council housing built at a polite distance from the village proper, a few farms and a pub. There were airships here once, but today Rushall's most historic site is a hedged meadow on the other side of the parish.

Beyond the wooden gate, which bears a notice about the village fete, an elderly lady is walking through long grass, pointing out various features as she goes. The man next to her stoops occasionally to pick up twigs, which he then holds in a curious, vaguely anthropological manner.

The lady is Mrs. Daphne Buxton, who is turning this patch into what is believed to be the first new common established in England during the twentieth century. And the man is Maurice Philpot, an Assistant Diocesan Secretary with the Church of England who is also Clerk to the Dickleburgh and Rushall Parish Council and, thanks to this unusual initiative, Mrs. Buxton's new commoner. If his interest in twigs seems a little self-conscious, this is because he is not yet used to the ancient right of estovers he now enjoys over this land. He is entitled to pick up such things as gorse, fern, tree-loppings and undergrowth, which he may use as firewood or, in accordance with another pre-suburban precedent, to repair his house.

There are, says Philpot, three distinct ecologies in Rushall's new common. The first is this rough meadow, which has probably never been ploughed or sprayed either. Mrs. Buxton mentions the cowslips, hoping that the wild flowers will be even better when regular grazing is arranged to keep the grass short. Their preference is for sheep, whose droppings are less offensive than those of either cattle or horses, but transportation is costly and the flock offered by one local farmer 'didn't show up'.

There are bullaces in the hedges, small wild plums that as Mrs Buxton's friend, Lucinda Negus, observes 'look like Dettol when you cook them'; and also willows - crack willows,



explains Mrs Buxton, which were once pollarded to produce osiers for Norfolk's basket weavers.

The pond looks murky and overgrown - but still a fine rustic amenity, to which Mrs. Buxton has already added a collection of fish dredged up, courtesy of her gardener, from a redundant pond at the late Sir Frederick Ashton's house in Suffolk. The fish may be 'ballet dancers', as Mrs. Buxton observes, but the official bureaucracy of 'Health and Safety' is less endearing. Should the pond be fenced perhaps, or can the gradient of the bank be adjusted and a seat provided, so that boys can come here 'to catch tiddlers on safety pins'? There will probably have to be a lifebelt - although someone will no doubt 'pinch it' - and perhaps a sign in the middle, stressing the dangers of deep water.

Further back there is a long rectangular field, once ploughed, but now grassland. The third of Mr Philpot's ecological systems, the former stackyard, runs parallel - and wild - behind another burgeoning hedge. We'll clear the centre and 'manage the encroachment', says Mrs. Buxton, peering undaunted into this jungle. There are some young elms doing well in there. Wild bees nest in the old pollards, and there are 'creepy crawlies' and owls too.

Back in her house a few yards up the lane, Mrs. Buxton insists that the story of England's first twentieth century common is really quite simple. 'I bought a property, the old smithy, on the parish boundary', and just over three acres of fields that had been attached to it. Having parcelled up the site of the smithy, which is now in separate ownership as a house and garden, she was left with two fields and the old stackyard - and the suspicion that property developers would happily build over the lot.

She plans to give the land to the parish council, together with an endowment to cover the cost of its maintenance. But she wanted some guarantee that the council, which welcomes the idea now, would not one day be tempted to dispose of the land. 'There is no safeguard in this. They might have sold it and made lots of money on it'.

So she decided to establish a right of common to prevent any such disposal. And 'to have a right of common, you have to have a commoner'. She chose Mr. Philpot, and the pair then took their pick of ancient commoners rights, choosing the right of estovers over less appropriate alternatives - like the right of pannage, which would have enabled Mr Philpot to turn out swine on the land, or the right of turbary, which would have enabled him to remove turf from the meadow or field.

One issue still to be resolved concerns the succession of the commoner's right. Philpot has 'no intention of dropping off his twig' just yet; but his right, as presently constituted, will



die with him. Rights of common may, as he explains, be held in gross (ie vested in a person), but they are more permanent if held in appurtenance, which means they are attached to particular properties. His are in gross, but once the Parish Council owns the common, he will recommend that an appurtenant right be registered, probably connected to the ownership of Mrs. Buxton's house.

The people of Rushall are well pleased with the development, and speak warmly of Mrs. Buxton's generosity. Her initiative is also commended in the environmental movement, where others have speculated about the possibility of modern variations on the old rights of commons. The campaigners at Common Ground have toyed with the idea of rights of 'pommage', which might be introduced to protect their community orchards. And Richard Mabey is in no doubt that common rights have served as an excellent barrier to change. Being unwritten and almost impossible to unravel, they have long 'encouraged obstinacy', and produced 'a creative stalemate' of the sort that has protected places like the New Forest from enclosure and development. He has tried to get the Countryside Commission interested in establishing new ones - perhaps connected to blackberry picking - as a way of protecting village greens. But no-one has yet managed to establish new rights of common, and it is 'terrific news' that Mrs. Buxton and Maurice Philpot have got this far.

Some, including Richard Mabey, have suggested that a new model of public life might still be derived from the commons - an alternative to both collectivism and the free market, in which people make differentiated use of a resource which is always partly ceded to others. But Mrs. Buxton's common is intended neither as a political metaphor nor a pilot project for the reconstruction of the nation.

As for the exponents of the so-called 'tragedy of the commons', who have argued, that the commons will always be overexploited and that private ownership is necessary for conservation, Mrs. Buxton stands at a distance from them too. 'I don't think so', she says. 'We will start very quietly' and certainly not with 'herds of people'. She hopes her common will become 'a resource for local schools', which are finding it much harder to make trips out due to 'budgetary constraints'. Pointing at the rectangular field at the back, she mentions the absence of overhead electricity cables and asks, 'wouldn't this be the perfect place for flying kites?'

This is not an initiative that springs from the more radical wing of the environmental movement. During a previous era Maurice Philpot served on the executive committee of the Open Spaces Society. But though he has written up the Rushall initiative in the Society's magazine, he has no formal connection with that organisation now. He is not a



militant campaigner – ‘No way at all’. Both he and Mrs. Buxton dissociate themselves from the ‘Pick a Fight’ tendency.

The Buxtons are a name to reckon with in East Anglia. So much so that phrases like ‘Buxton mafia rule’ have been known to appear on walls in Norwich. North Norfolk is particularly thick with them - a country of cousins who have been bankers as well as landowners, and brewers long associated with Truman’s now defunct brewery in East London’s Brick Lane. They have Quaker connections and were once known for low church good works. The line includes abolitionists, prison reformers and the odd Labour M.P. too.

Mrs. Buxton hails from an Essex-based branch of the family that has long been concerned with conservation and common rights. She is the widow of Lieutenant Colonel Edward North Buxton, M.C., a forester and natural scientist who had ridden into Jerusalem in Lord Allenby’s army, and then joined Trumans brewery in 1920, becoming a Director and eventually Vice-Chairman. A verderer of Epping Forest, he worked with The Open Spaces Society for nearly forty years, and was its Chairman in the fifties. It may have been a ‘calmer’ organisation then, but Buxton still ‘got very much across his fellow landowners’, insisting that people who were not fortunate enough to own land should have access to places for ‘quiet recreation and green land’. Yet he was no charging militant. Asked what her late husband would have made of the campaigning organisation the Open Spaces Society has since become, Mrs. Buxton smiles and replies that he would probably have ‘had a fit’.

None of this is off-putting to Kate Ashbrook, General Secretary of the Open Spaces Society, who describes the Rushall initiative as excellent, and welcome proof that a common can be set up under the 1965 Commons Registration Act. Aware of her organisation’s relative unpopularity in East Anglia, she observes that not all landowners are as well disposed as Mrs. Buxton, and ‘if we had gone on being cosy, the Open Spaces Society would probably have died by now’.

Mrs. Buxton’s Rushall initiative stands in the gentle, if not entirely surpassed, tradition of private philanthropy. She is pleased to think of city-dwellers picnicking among the nightingales at Hatfield Forest, which was saved for the National Trust by her husband’s grandfather: ‘they all have screaming radios with them now’, she says with a smile, ‘but you can’t do anything about that’. She remembers seeing commoners exercising their right of estover in Epping Forest, where she and Edward North Buxton lived in the fifties: old ladies with hats who came out pushing prams, with four upright stakes in the corners, which they would load up high with sticks.



She hopes Rushall Common will become a place of recreation, which means 'recreation' in her book, and is attended by definite peace and quiet. 'We'll have a hedge and gate. I'm not going to have cars all over it, or beastly boys on motorbikes going in and out of the pond'. Horse-riding is to be proscribed too, but the field at the back, would - at least when the kites aren't flying - be 'wonderful for a family playing football or rounders'.

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