



In the Matter of the pieces of land respectively known as Incleborough Hill, West Runton Common inclusive of Cooper's Common, Station Common and The Hurne, Town Hill, Congham Hill, Greens Common, Abbs Common, Deers Hill, East Runton Lower and Top Commons, Sparrows Park, in the civil parish of Runton, Norfolk

SUPPLEMENTAL DECISION

This Decision is Supplemental to my Decision in this matter dated 22nd January 1993 (my Principal Decision).

This Supplemental Decision relates to two matters only.

1. Mr William Macadam's claim

By letter dated 28th January 1993 Mr William Macadam of Congham Farm East Runton wrote to the Commons Commissioners drawing attention to the fact that part of Congham Hill O.S. 2788 formerly O.S. 368 .886 acres was owned by himself and his brother Elliott Corbett Macadam or a family trust. Although in my Principal Decision this land was included in the list of land claimed by Mr Batt, it does not form part of Register Unit CL.5. It is therefore shown on Plan X4 attached to my Principal Decision as not being registered as common land. It follows that I had no jurisdiction over this land, and it is not affected in any way by my Principal Decision. To clarify the matter however I will add the following words to the direction at the end of my Principal Decision whereby Mr Batt is to be registered as owner of parts of the Register Unit:- "and also for the avoidance of doubt with the exclusion of OS. 368 (now OS.2788) Congham Hill which is not common land".

2. Mr Andrew James Morton's claim

Plan X1 attached to my Principal Decision shows hatched black an area of land adjacent to Incleborough Hill which is not registered under the Commons Registration Act, 1965. Within that area there is excluded from the black hatching a piece of land shaped like a spearhead. This land which forms part of O.S.6320 formerly O.S.283 is included in the registration of CL.5. I shall refer to it as "the Spearhead".

On 16th February 1993 Birkett Westhorp & Long, Solicitors of Ipswich acting for Mr Morton raised a claim to ownership of the Spearhead, and they subsequently requested me to re-open the case for further hearing.

A further hearing was fixed for 5th October 1994 at Cromer, prior to which Mr Morton's Solicitors supplied the Commons Commissioners with an Epitome of Title containing copies of the following deeds:-

13.03.19	Conveyance	The trustees of the Will of Benjamin B B Cabbell dec'd (1) Tom Pank (2)
11.08.19	Conveyance	Tom Pank (1) Wyndham C Cremer (2)
31.11.19	Conveyance	R A Cremer and Others (1) Mr James Abbs
25.11.54	Assent	



31.03.65	Conveyance	H T F Abbs and Watney Comb's Reid & Co Ltd (1) Links Hotel (West Runton) Limited (2)
06.10.83	Conveyance	Links Hotel (West Runton) Limited (1) Andrew James Morton (2)

They also supplied a copy of a Statutory Declaration by Roger Wortley dated 1st May 1950.

By a Statement in writing dated 2nd September 1994 Mr Robert Einar Windham Batt consented to the amendment of the particulars under the Commons Registration Act, 1965 to the intent that Mr Morton should be shown as owner of the Spearhead in place of himself. I annex to this Decision marked Plan 7 a copy of the plan attached to Mr Batt's Statement on which I have marked the Spearhead with the letter "B".

On this evidence and with the withdrawal of any claim by Mr Batt to the Spearhead I am satisfied without the necessity for any further hearing that Mr Morton is the owner of the Spearhead. The hearing fixed for 5th October 1994 was therefore cancelled.

I shall accordingly pursuant to Section 8(2) of the Act of 1965 direct the Norfolk County Council to register Andrew James Morton as owner of the part of the Register Unit marked "B" on Plan 7 annexed hereto, the direction in my Principal Decision being modified correspondingly.

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

19th

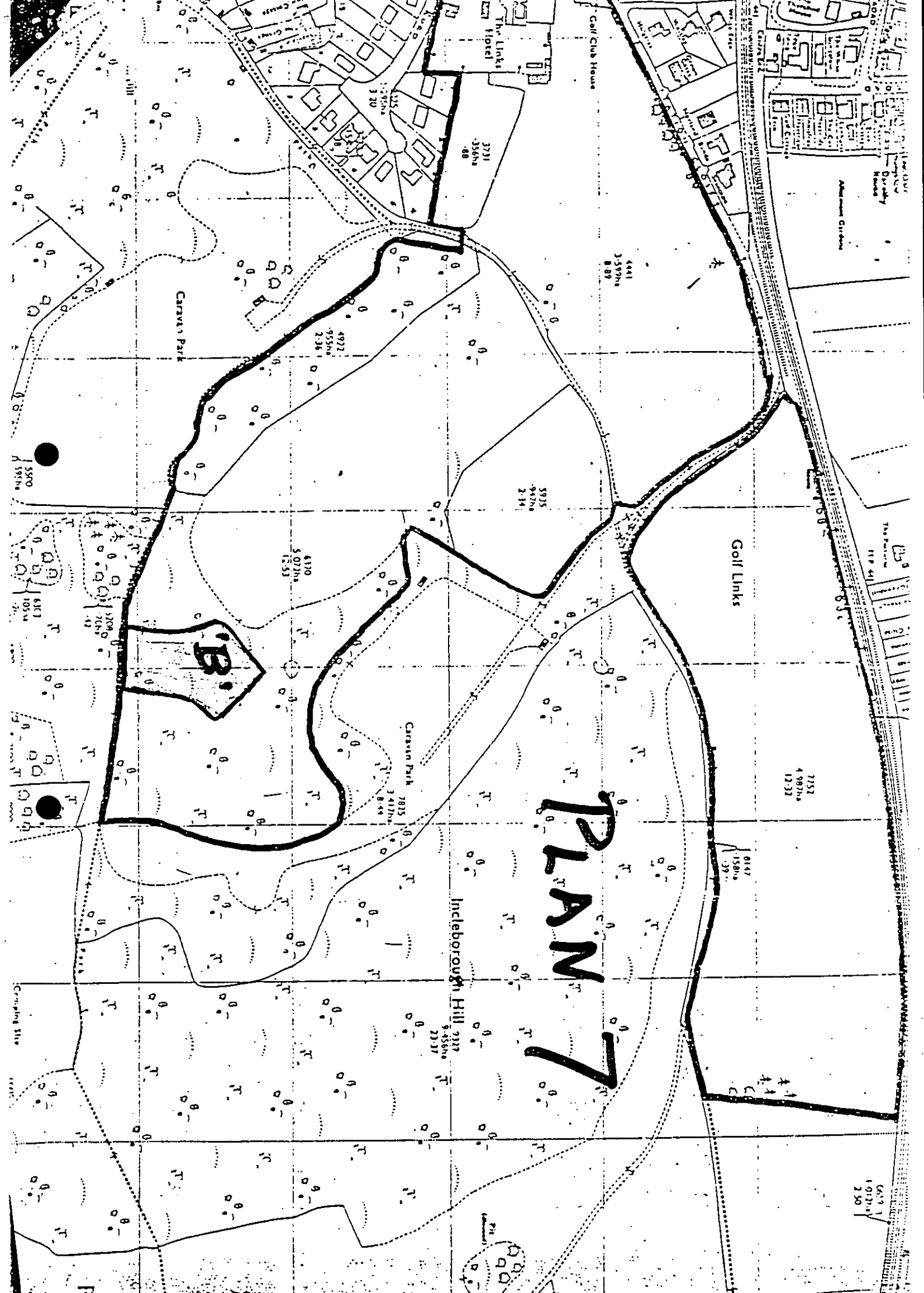
day of

October

1994

Mati Rott

Chief Commons Commissioner



PLAN 7

B

Golf Links

Caravan Park

Inceborough Hill 217

Golf Club House

The Links

7152
4907ms
12.32

0147
158ms
39

4320
5.027ms
12.53

Caravan Park
7815
3.417ms
8.44

5935
947ms
2.14

4441
3.597ms
8.89

3731
356ms
88

659
1.017ms
2.50

5500
1.597ms

1613
105ms

3200
705ms

Crumping Hill