



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/243

In the Matter of land in the Parish of Runton - namely  
 Incleborough Hill, West Runton Common (inclusive of Coopers  
 Common, Station Common and the Hurne) Town Hill (part),  
 Congham Hill, Greens Common, Abbs Common, Deers Hill,  
 East Runton Lower and Top Commons, Sparrows Park

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### DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 5 in the Register of Common Land maintained by the Norfolk 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 Mr B R Abbs and Mr D T Abbs claimed to be the freehold owners of parts of the land in question ("the Unit land") 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 Norwich on 16 ~~November 1981~~ *March 1981*.

At the hearing, Mr M A C Butcher, Solicitor, appeared on behalf of Mr B R Abbs and Mr D T Abbs, and there also attended Mr A D Pond, Administrative Officer of the Registration Authority and Mr M Sainty, a member of Runton Parish Council.

The claim of the Messrs Abbs relates to the boundary between their properties and the adjoining western edge of the Hurne. The only evidence submitted was a Statutory Declaration by B R Abbs. In 1953 he purchased a piece of land adjoining the Hurne on which he has built a house where he lives: on the eastern side of the land is a hedge and bank; alongside the bank to the east is a ditch and then the Hurne. In 1970 he and D T Abbs bought an adjoining farmyard which also has on its eastern side a frontage to the Hurne: on that side there is a wall and then the ditch. The Messrs Abbs claim ownership of the land up to the eastern brow of the ditch. It is not practicable to identify on the Register Map the western boundary of the Hurne i.e. whether it lies beyond (to the west) the eastern brow of the ditch. The Conveyances to the Messrs Abbs were not produced and I do not know whether they indicate a boundary up to the eastern brow of the ditch. In the Statutory Declaration Mr B R Abbs deposes that when he bought the piece of land he cleaned out the ditch and connected up to a pipe for draining the ditch, and says that he has been in occupation of the site of the hedge bank and ditch since he bought the piece of land. As to the ditch on the frontage of the farmyard, the Statutory Declaration says that the Messrs Abbs have always treated the wall and the ditch as their property. On this evidence I am not satisfied as to the ownership



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of the land lying on the western side of the east brow of the ditch; accordingly, if indeed it is within the area of the Unit land, as part of Hurne Common, it will like the rest of the Unit land (as regards which no evidence relating to ownership was adduced), 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

1 May

1981

*L. J. Thomas Smith*

Commons Commissioner