



COMMONS REGISTRATION ACT 1965

Reference No 225/U/100

In the Matter of Gateley Common,
Gateley, Breckland D

DECISION

This reference relates to the question of the ownership of land known as Gateley Common, Gateley, Breckland D being the land comprised in the Land Section of Register Unit No CL. 350 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 each of them Mr & Mrs Torrance, Mr A Hiles and Mr Eaglen claimed to be the freehold owner of a part 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 King's Lynn on 26 October 1977.

Mr D Meddick of Messrs Mills & Reeve appeared for Mr & Mrs Torrance, Mr Hiles and Mr Eaglen, and Mr J Chapman of Messrs Daynes Chittock & Back appeared for Mr W J Woodcock whose Entry in the Rights Section of the Register is final.

Mr Hiles claimed to be the owner of No 1 Common Green Cottages and Mr & Mrs Torrance claimed to be the owners of No 2 Common Green Cottages and the respective gardens north of the path running east and west adjoining No 1 on its northern boundary.

Mr Woodcock did not dispute the ownership of Mr Hiles and Mr and Mrs Torrance of the lands conveyed to them respectively, but suggested that they had encroached upon the Common. Mr Chapman agreed that the scale plan on a conveyance dated 14 July 1972 made between J M Rollins and C A Leverton accurately defined the area of the two cottages owned by Mr Hiles and Mr & Mrs Torrance. There was no dispute as to the gardens. Mr Meddick produced a conveyance to Mr Hiles dated 19 December 1973 and a conveyance to Mr & Mrs Torrance dated 12 May 1977.

On this evidence I am satisfied that Mr Hiles is the owner of No 1 Common Green Cottages and the garden enjoyed therewith edged red on the Plan A annexed to this decision and that Mr & Mrs Torrance are the owners of No 2 Common Green Cottages and the garden enjoyed therewith edged blue on the said plan. The area of the two said cottages being that shown on the scale plan annexed to the said conveyance dated 14 July 1972 a copy of which is annexed to this decision and marked Plan B and I shall accordingly direct the Norfolk County Council as the registration authority to register them respectively under section 8(2) of the Act of 1965 as the owners of Nos 1 and 2 Common Green Cottages and the gardens enjoyed therewith. Mr Meddick produced a conveyance dated 2 September whereby the personal representatives of G F Tunney conveyed



No 1 The Green, Gateley to Mr Eaglen which is separated by a hedge on its western boundary from Mr Woodcock's property and is edged green on the said plan A, and I shall accordingly direct the Norfolk County Council as the registration authority to register Mr Eaglen under section 8(2) of the Act of 1965 as the owner of No 1 The Green identified on the Plan A.

As regards the remainder of the land in question, in the absence of any evidence I am not 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 14th day of November 1977

Y A Little

Commons Commissioner