



COMMONS REGISTRATION ACT 1965

Reference No.25/D/13

In the Matter of Hautbois Common,
Coltishall, Norfolk

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.154 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No.223B made by Benjamin John Jordan and noted in the Register on 12th November 1970.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 4th July 1972. The hearing was attended by Mr. J.E. Bastin, solicitor for the Coltishall Parish Council. Mr. Jordan did not appear and was not represented.

The land the subject of the registration is divided into two parts by a railway line. The dispute is confined to the portion of the land lying to the east of the railway.

The grounds of the objection were stated to be:-

"The land coloured red on the enclosed plan comprises a very old cottage (which is now being renovated) and garden which form part of the estate of the Durrant family for over one hundred years and was not common land at the date of registration".

The land coloured red on the plan referred to in the objection comprised the whole of the land lying to the east of the railway.

The Parish Council accepted that the objection was well-founded in respect of a rectangular piece of land at the southern end of the registered land and on 18th March 1971 requested that this piece of land should be excluded from the registration. On 24th March 1971 the registration was modified, the note in the Register stating that this was done pursuant to Objection No.223B and the request made on behalf of the Parish Council.

It appears from the evidence of Mr. A.R. Spinks, who used to play on the Common when he was a child about 40 years ago, that the excluded piece of land then formed part of the cottage garden, but that the garden did not include any of the other land to the east of the railway. Mr.Spinks's evidence is confirmed by the tithe map of 1839, which shows the cottage and the garden with the numbers 77 and 76 respectively.

The fact that Mr. Jordan did not appear reinforces the view which I have formed that his objection related only to the piece of land which has been a cottage garden for many years, and that he was equally mistaken in his statement that the registration comprised the cottage and in colouring red on the plan the whole of the land to the east of the railway.

I have therefore come to the conclusion that the modification of the registration made on 24th March 1971 met Mr. Jordan's objection and that the



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registration as so modified should be confirmed.

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 *25th* day of July 1972

A handwritten signature in black ink, appearing to read 'G. S. Lamb', written in a cursive style.

Chief Commons Commissioner