



COMMONS REGISTRATION ACT 1965

Reference No 225/U/226

In the Matter of Holt Lowes  
(part), Holt and Edgefield,  
Norfolk (No 2)

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DECISION

This reference relates to the question of the ownership of land known as Holt Lowes (part), Holt and Edgefield, being the land comprised in the Land Section of Register Unit No CL. 152 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 Lady Rosemary Muir claimed to be the freehold owner of the land in question and Mr C W V Sands, the Chairman of the Edgefield Parish Council, 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 24 May 1978.

At the hearing Lady Rosemary Muir was represented by Mr J R Darbyshire, solicitor, and the Holt Parish Council was represented by Mr B W Elsdon, its Chairman, who informed me that his Council did not claim to be the owner of the land the subject of the reference.

The land in question consists of three areas, the largest being situate in the parish of Holt and the two smaller ones in the parish of Edgefield.

The land in the parish of Holt was conveyed to Lady Rosemary Muir by a conveyance made 5 May 1975 between (1) Michael Robert Macfadyen and Jocelyn Olaf Hambro (2) Lady Rosemary Mildred Muir. The vendors had a good root of title in a conveyance made 15 April 1957 between (1) Stanley Charles Longhurst (2) Charles Robert Muir. At all material times the land has been used by the owners for the growing of timber, subject to the provisions of deeds of covenant made with the Forestry Commissioners.

On this evidence I am satisfied that Lady Rosemary Muir is the owner of the part of the land situate in the parish of Holt, and I shall accordingly direct the Norfolk County Council, as registration authority, to register her as the owner of that part of the land under section 8(2) of the Act of 1965. Mr Sands stated in a letter dated 8 February 1978 that the land the subject of the reference "is owned by the Edgefield Surveyors of Highways, and occupied by the Parish of Edgefield". This is clearly incorrect. In the absence of evidence relating to the two areas in the parish of Edgefield, those areas 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.