



COMMONS REGISTRATION ACT 1965

Reference Nos 225/D/14  
225/D/15

In the Matter of Morningthorpe Common,  
Morningthorpe, South Norfolk District,  
Norfolk

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DECISION

These disputes relate to the registrations at Entry No 1 and 2 in the Rights Section of Register Unit No CL. 197 in the Register of Common Land maintained by the Norfolk County Council and are occasioned by the two Entries being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Norwich on 9 June 1976. At the hearing (1) Mr J E Cureton on whose application Entry No 1 was made and (2) Mr H P Sargent on whose application Entry No 2 was made, were both represented by Mr P M Guppy solicitor of Hill & Perks Solicitors of Norwich, and (3) Mr Michael Robert Diffey of Moor Farm House attended in person.

Mr Guppy said that Mr Cureton and Mr Sargent having agreed together, requested me to confirm the registration at Entry No 1 without modification and to refuse to confirm the registration at Entry No 2.

Mr Diffey said (in effect):- He owns a dwelling house and paddock known as Moor House Farm and containing about  $1\frac{1}{2}$  acres. He purchased this land from Mr Cureton in 1975. He considered that he had in some way become entitled to the benefit of the registration made on the application of Mr Cureton, and was therefore concerned with these proceedings.

According to the Register, the right registered at Entry No 1, being a right to graze 60 cattle over the whole of the land comprised in this Register Unit, is attached to the land described in column 5 of the Entry as "Moor Farm, Morningthorpe, Long Stratton shown hatched purple on the supplemental map bearing the number of this registration". Mr Diffey looked at my copy of this supplemental map, and agreed that no part of the land which he had purchased from Mr Cureton was on it hatched purple.

I reject the suggestion made by Mr Diffey that because Mr Cureton in 1968 when he made the application for the registration, may have owned both (i) the hatched purple land, and (ii) the land now owned by Mr Diffey, it necessarily follows that any rights of common which before 1968 were attached to both lands are now apportioned or might be deemed to have been apportioned between them, so that the registration at Entry No 1 must somehow be treated as being made for the benefit of both lands. However this may be, I am bound by the Register, and as it now stands; according to the papers supplied to me by the County Council for the purpose of this hearing, the right of common with which I am dealing is not attached to any land owned by Mr Diffey, so he is not concerned in any way with any agreement made about it between Mr Cureton and Mr Sargent.



However in case there may be a mistake in the plans supplied to me, I have delayed giving my decision for thirty days so that Mr Diffey may have an opportunity of satisfying me that his land known as Moor Farm House and Paddock are included in the map referred to in column 5 of Entry No 1 in the Rights Section of this Register Unit.

I have received no communication from Mr Diffey since I held the hearing; there is therefore no reason why I should not act on the agreement made between Mr Cureton and Mr Sargent and give full effect to the request made on their behalf by Mr Guppy. For these reasons I refuse to confirm the registration at Entry No 2 in the Rights Section and confirm the registration at Entry No 1 in the Rights Section without any modification.

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 13<sup>th</sup> day of July — 1976

*A. A. Bacon Ellis*

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Commons Commissioner