



In the Matter of The Howdale, Downham Market,
Norfolk (No. 2)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. VG 95 in the Register of Town or Village Greens maintained by the former Norfolk County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land section of Register Unit No. CL 51 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at King's Lynn on 29 June 1977. The hearing was attended by Mr B Chilton, solicitor, on behalf of the West Norfolk District Council, the successor authority of the former Downham Market Urban District Council, the applicant for the registration. There was no appearance by or on behalf of Mr E Jarvis, the applicant for the conflicting registration.

The land comprised in the Register Unit was conveyed to the former Urban District Council by a conveyance made 6 September 1932 between (1) Sir Thomas Leigh Hare, bt (2) Charles Wilbraham John Howard, John Richards Croft Deverell, and Edward Roger Pratt (3) Downham Market U.D.C. The land was therein described as "open space" and as part of the manor of Stow Bardolph and was conveyed to the Council to hold in fee simple without any provision as to how it was to be used by the Council.

Some small parts of the land have since been laid out as a roadway and footpaths in connection with the development of adjoining land to the south belonging to the County Council. The major part has been used solely for recreational purposes, apparently in continuation of its use before the 1932 conveyance. It is now so used by members of the public, but presumably the public had no rights over it when it was manorial land, so that any use of it as of right was by tenants of the manor. It is not clear that there was any use as of right, but since there is no objection to the registration other than that occasioned by the unsupported conflicting registration, I shall treat the registration as unopposed.

For these reasons I confirm the registration with the following modification asked for by Mr Chilton, namely the exclusion of the parts of the land laid out as a roadway and footpaths.

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

18th

day of

July

1977

Chief Commons Commissioner