



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/148

In the Matter of Thorpe
Market Green, Thorpe Market,
North Norfolk District,
Norfolk

DECISION

This reference relates to the question of the ownership of land known as Thorpe Market Green, Thorpe Market, North Norfolk District being the land comprised in the Land Section of Register Unit No. VG 77 in the Register of Town or Village Greens 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 Miss Harbord as Lady of the Manor claimed (letter of 10 February 1975 from Irelands, Chartered Surveyors of Aylsham) of the land in question, the entire village of Thorpe Market having been at one time in the ownership of the Harbord family. No other person claimed to be the freehold owner of the land or 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 7 December 1978. At the hearing (1) the Hon. Doris Cecilia Harbord was represented by Mr D J W Greenish articled clerk with Lee & Pemberton, Solicitors of London, and (2) Thorpe Market Parish Council were represented by Mr B W Mack one of their members.

At the hearing I was handed a letter dated 4 December 1978 signed on behalf of the Parish Council by their chairman Mr R R Hunter saying that the Council at an extraordinary meeting held on 4 December 1978 considered the fact that the Gunton Estate would be claiming ownership of the Green, and it was decided not to oppose the Estate's claim.

Mr Greenish in the course of his evidence produced (among other documents): (1) a vesting deed dated 3 May 1927 by which it was declared that the Manors, Mansion House, Park, farms and lands constituting the Gunton Estate were vested in Rt. Hon. V A C Lord Suffield in fee simple; (2) probate dated 30 October 1944 of his will (he died 10 June 1943); (3) an assent and deed of discharge dated 1 February 1948 by which his personal representatives assented to the vesting in Miss Harbord of all the land comprised in the said vesting deed on the trust of the said will; and (4) a statutory declaration made on 10 December 1978 by Mr R J Wortley who from 1939 to 1965 acted as the Land Agent for the Gunton Estate and who therein said that the land ("the Unit Land") in this Register Unit known as Thorpe Market Green together with the Lordship of the Manor of Thorpe Market has for many years past formed part of the Estate comprised in the said 1927 vesting deed and he had never heard of any adverse claim. Neither the 1927 deed nor the 1948 assent contained any detailed description of the Gunton Estate or anything to show that the Unit Land was ever part of it.



Mr M J W Gamble, chartered surveyor of Irelands, said (in effect):- He started to look after the Estate in 1973 when he took over from his partner. Mr Wortley's opinion (as stated in his declaration) was based on his dealings with local persons and the fact that Miss Harbord was Lady of the Manor, "and the Green went with it". Until the 1920's the whole of Thorpe Market was owned by the Estate and many of the houses bordering on the Unit Land were built by it, and are still owned by the Estate. From these and other houses he collected the rent; people often talked about the history of the Estate; from these conversations he had always got the impression that the Unit Land was known to be owned by the Estate; some (of those with whom he had spoke) remembered when all the land around the Unit Land was owned by the Estate; for example there is a Reading Room which forms part of a building formerly owned by the Estate and which was donated to the Parish by the Harbord Family.

The Parish Council as shown in the Commission

Mr Mack who has lived in the Parish for 16 years and been a member of the Parish Council for 7 years, in the course of his evidence said (in effect):- The Parish Council were concerned that the rights of the Village should be preserved, but nobody had given much thought as to who were the legal owners. On the Unit Land there are some young trees planted 6 or 7 years ago which were bought by public subscription; the chairman of the Parish Council (Mr Goodwin) came round and collected the money. Last year, on it the Parish Council erected a Village Sign; about this they wrote to Miss Harbord and she donated the timber. The Parish Council arranged for the grass to be cut three or four times a year. There is a notice forbidding the parking of cars: "By order of the Parish Council: (a) a letter dated 20 April 1972 from Erpingham Rural District Council to the Parish Council about complaints about the "condition of Common Lane, Village Green and other parts of the Village" (following as I understood the laying of a sewer); (b) and (c) letters of 14 February 1972 and December 1973 from the Post Office Engineer to the Parish Council about the laying of a cable under the Unit Land.

Mr Gamble conceded that the Parish Council had maintained the Unit Land by cutting the grass, and said that the Village Sign was, it being Jubilee Year, favourably considered by Miss Harbord. Although if I am not satisfied as to ownership, I am by section 8 of the 1965 Act required to direct the registration of the Parish Council as the owner, it was (rightly I think) not suggested that the Parish Council by doing the things described by Mr Mack had acquired a possessory title. Nor was there any evidence that Miss Harbord or any of her predecessors as owners of the Gunton Estate had done things on or about the Unit Land from which I could find that she has a possessory title. Her ownership claim was (as I understood from Mr Greenish) based on the documents produced coupled with the local reputation of ownership and notwithstanding that there was as far as he knew no plan of the Estate which would have shown the Village Green as included if it had been part of it.

Proved

Notwithstanding that the ownership of the Estate was not conceded either in the December 1978 letter or by Mr Mack at the hearing, the attitude of the Parish Council is consistent with there being some such reputation of ownership as was briefly stated by Mr Wortley and amplified in some detail by Mr Gamble. I consider that I should give full effect to what they said and conclude that such reputed ownership is established, and that accordingly the claim as put forward by Mr Greenish has been established. For these reasons I am satisfied that Miss Harbord is the owner of the Unit Land and I shall accordingly direct



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the Norwich County Council, as registration authority, to register the Honourable Doris Cecilia Harbord of Gunton Park, Hanworth, Norfolk as the owner of the land under section 8(2) 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 26th — day of March — 1979

a. a. Butler Fuller

Commons Commissioner