



COMMONS REGISTRATION ACT 1965

Reference No 225/D/11

In the Matter of Triangle of land
near the Manor Hotel, Blakeney,
North Norfolk D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 268 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No 4B made by Mrs R S C Newton and noted in the Register on 28 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 11 January 1977. The hearing was attended by Mr Curtis of Messrs Butcher Andrews & Savory who appeared on behalf of Blakeney Parish Council and Mr G W Dalton of Messrs Hill and Parks agents for Messrs Billson & Sharp who appeared on behalf of Blakeney Manor Ltd, the successor to Mrs R S C Newton. There are no Entries in the Rights Section of the Register and the land can therefore only be common land as defined by the Act of 1965 if it is waste of a manor.

The land was at one time part of the Manor of Blakeney and Mr Curtis by reference to sale particulars dated 1911 which did not include the land in question contended that it was still parcel of the Manor. Mr Dalton produced a conveyance dated 15 December 1972 whereby Mrs Newton conveyed the Manor Hotel including the land in question to Blakeney Manor Ltd (then called Lallingham Ltd). However a copy of the conveyance dated 20 February 1954 whereby J D Bright conveyed the Manor Hotel to E R Pope, mentioned in the Schedule to the 1972 conveyance, was produced and this conveyance did not comprise the land in question. It is therefore open to doubt whether Mrs Newton could convey a good title to the land in question.

There remains however the question as to whether, whoever may be the owner of the land, it is waste. A statutory declaration by Gladys Mary Hudson was produced who was the daughter of the tenant of the hotel in the period ending with the sale in 1911 when the tenancy came to an end. She said the land in question was during that period occupied by her father as part of the hotel. There were also produced two statutory declarations by Mrs Newton who jointly with her first husband acquired the hotel on 18 November 1949. She said that she and her first husband had full use and undisturbed enjoyment of the land in question during the period in which they owned the hotel without any adverse claim and that shortly after they acquired the hotel her first husband fenced the land in question to prevent cars parking there.

Mr A D Platt a director and secretary of Blakeney Manor Ltd gave evidence that he stayed at the hotel in 1950, 1951 and 1952 when he bought a cottage in the village and that he was familiar with the land from 1950 till the present day. He said that throughout this period the land had been fenced and that it was planted with bulbs when he acquired the hotel in 1972. He assumed they had been planted by a previous owner. There had always been a sign on the land advertising the hotel and recently there had been placed on the land a wagon planted with flowers and shrubs. There were also produced photographs of the land showing the fence and the sign and showing the land to be tidy and cared for.



On this evidence I am satisfied that the land is not waste. It has been enclosed for many years and occupied and cultivated as an amenity of the hotel, and is therefore not waste as defined in AG v Hammer 27 LJ Ch 837 cited in Ryan & Harris on the Law Relating to Commons at page 12. For these reasons I refuse to confirm the registration.

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 28th day of April

1977

G. A. Little

Commons Commissioner