



In the Matter of Roydon Fen (part),
Roydon, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Roydon Fen, (part), Roydon, being a part of the land comprised in the Land Section of Register Unit No. CL 291 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 twenty persons claimed to be the freehold owners of parts of the land in question and no other person 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 8 March 1983.

At the hearing eleven of the claimants were represented by Mr E G Clark, Solicitor.

The land comprised in the Register Unit consists of two parts. The eastern part, which is the subject of the reference, has been laid out and developed as a building estate. It is difficult to understand why this part was included in the application for the registration in the Land Section of the Register Unit, but there being no objection to the registration, presumably because it was not realised by the owners of the land in the eastern part that their land had been included, it became final, so that I now have to determine the ownership of various parts of what is quite unrealistically deemed to be common land.

One plot of the land the subject of the reference has been registered under the Land Registration Acts 1925 to 1966 since the reference was made. I have accordingly only to consider the remainder.

The land in question was formerly part of the estate of a charity known as the Roydon Town Lands and was sold by the Trustees by authority of an order of the Board of Charity Commissioners for England and Wales made 5 June 1953.

Starting at the north-western end of the land in question, an area comprising OS. Nos. 319, 320 and 336A (pt) was conveyed to Mr S Madgett by a Conveyance made 6 July 1953 between (1) Robert Shuckburgh Copeman and Jessie May Websdale (2) Stanley Madgett. This land was conveyed to Mr and Mrs D J Ward by a Conveyance made 6 November 1972 between (1) S Madgett (2) Daniel John Ward and Judith Ann Ward his wife.

The land at the south-western end of the land in question, comprising OS. No. 336 and the remainder of OS. No. 336A, was conveyed to Mr H E Orford by a Conveyance made 6 July 1953 between (1) R S Copeman and J M Websdale (2) Herbert Edward Orford. The remainder of OS. No. 336A was conveyed to Mr W C Orford by a Conveyance made 14 February 1961.



OS. No. 336 was subsequently divided into three parts. The northernmost part was conveyed by Mr H E Orford to Rodney Shields (Properties) Ltd on 3 December 1962. The western half of this part is now registered under the Acts of 1925 to 1966, and the eastern half was after divers mesne assignments conveyed to Mr and Mrs L H Rolfe by a Conveyance made 15 October 1981 between (1) Basil Montague Carver Pumphrey (2) Leonard Harry Rolfe and Jayne Linda Rolfe.

The southernmost part of OS. No. 336 was conveyed by Mr H E Orford to Mr Arthur Charles Alderton on 16 August 1963 and after divers mesne assignments was conveyed to Mr and Mrs A G Pettitt by a Conveyance made 9 August 1982 between (1) Noreen Mary Wenham (2) Alan Graham Pettitt and Hilda Rose Annie Pettitt.

It is stated in a memorandum endorsed on the Conveyance of 6 July 1953 to Mr H E Orford that the central part of OS. No. 336 was conveyed by him to Mr Victor Edwin Norman on 31 July 1963. I was informed that Mr Norman lives in a bungalow built on this part of OS. No. 336, but in the absence of evidence that he is now the owner of the fee simple I am unable to say that I am satisfied that anyone is the owner of this land.

The land to the south-east of OS. No. 336 is OS. No. 341. The western part of OS. No. 341 was included in the parcels of the Conveyance of 6 July 1953 to Mr Madgett. Mr Madgett conveyed the north-eastern part of this land to Mr M B Webb by a Conveyance made 2 February 1967 between (1) S Madgett (2) Michael Bruce Webb.

Another part of OS. No. 341 to the east of that conveyed to Mr Madgett was conveyed to Mr H C Youngman by a Conveyance made 8 July 1953 between (1) Alfred William Youngman (2) Harry Charles Youngman. After divers mesne assignments a plot on the western side of this part of OS. No. 341 was conveyed to Mr and Mrs E N Buckman by a Conveyance made 8 January 1976 between (1) G N Rackham and Sons Ltd (2) Ernest Norman Buckman and Millicent Grace Buckman. Mr Buckman died on 19 November 1980.

The next plot to the east of that conveyed to Mr and Mrs Buckman was conveyed to Mr and Mrs J Trudgill by a Conveyance made 22 January 1976 between (1) G N Rackham and Sons Ltd (2) James Trudgill and Pamela Ann Trudgill his wife.

The remainder of OS. No. 341 and part of OS. No. 386 was conveyed to Mr H N Youngman by a Conveyance made 8 July 1953 between (1) Alfred William Youngman (2) Harry Noel Youngman, the vendor covenanting for the production and safe custody of an order of the Charity Commissioners dated 5 June 1953. This land descended in the Youngman family until Mr Harry Charles Youngman as the personal representative of Mrs Maud Eliza Youngman assented to its vesting in Mr Norman Youngman by an assent dated 19 April 1968. A plot at the eastern end of the land so vested in Mr N Youngman was conveyed to Miss M J Youngman by a deed of gift made 23 February 1972 between (1) Norman Youngman (2) Margaret Joan Youngman. By a deed of gift made 27 September 1973 between (1) M J Youngman (2) Barry John Shipp the land was conveyed to Miss Youngman and Mr Shipp as beneficial joint tenants. Mr Shipp and Miss Youngman were married on 12 October 1974.

The next plot but one to the east was conveyed to Mr and Mrs K W Rackham by a Conveyance made 12 June 1974 between (1) N Youngman (2) Keith Wesley Rackham and Wendy Ann Rackham his wife.



On this evidence I am satisfied that Mr and Mrs Ward, Mr W C Orford, Mr and Mrs Rolfe, Mr and Mrs Pettitt, Mr Webb, Mr Madgett, Mrs Buckman, Mr and Mrs Trudgill, Mr and Mrs Shipp, Mr and Mrs Rackham and Mr N Youngman are the owners of parts of the land and I shall accordingly direct the Norfolk County Council, as registration authority, to register them as the owner of those parts of the land under section 8(2) of the Act of 1965.

In the absence of any further evidence the remaining plot will 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.

Dated this

11th

day of

March

1983

Chief Commons Commissioner