



COMMONS REGISTRATION ACT 1965

Reference No.25/D/14

In the Matter of The Buttlands,
Aylsham, Norfolk.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.39 in the Register of Town or Village Greens maintained by the Norfolk County Council and is occasioned by Objection No. 261B made by The National Trust for Places of Historic Interest or Natural Beauty and noted in the Register on 23rd November 1970.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 4th July 1972. The hearing was attended by Mr. B.R. Rust, a member of the Aylsham Parish Council, and by Mr. R.D.V. Garnett for the objectors.

The land the subject of these proceedings is long and narrow, and may well have received its name of the Buttlands from having been used for archery. However, there is no evidence of its use for that purpose within living memory. It was formerly part of the estate of the 11th Marquess of Lothian, who died in 1940, and was conveyed to the objectors in 1942. By a lease made 13th August 1967 the objectors let the land for 21 years to the St. Faith's and Aylsham Rural District Council, it being agreed that the Council should be at liberty to construct a car park on the land, provided that all necessary planning and other consents were obtained and the lay-out, design and construction and all other details were first submitted to and approved by the objectors in writing.

At the present time the southern part of the land is used as a car park. The remainder of the land is open to the public. Children play on it, though there are no organized games, and once a year a pleasure fair is held on it.

Mr. Rust very frankly said that the Parish Council had no intention that the land should be used for sports or pastimes, but wished for the whole of it to be used as a car park.

On this evidence, the land clearly does not fall within the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965, and I therefore find myself unable 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 14th day of July 1972

Chief Commons Commissioner