



In the Matter of Village Green, Mundford,
Breckland District, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Village Green, Mundford, Breckland District, Norfolk being the land comprised in the Land Section of Register Unit No. VG.16 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 no person claimed to be the freehold owner of the land in question and no 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 17 July 1975. At the hearing Mundford Parish Council were represented by Mr W. R. Emms, their chairman, and Mr Richard John Hanby Holmes was represented by Mr G. F. Rand, who is a prospective purchaser from Mr Holmes of the Lordship of the Manor of Mundford and other Manors.

Mr Emms, who has lived in the parish for the last 25 years (he is now 65 years old), been a member of the Parish Council for 13 years, and chairman for the last 2 years, in the course of his evidence, confirmed his letter dated 21.2.74. written to the Commons Commissioners in which he said (in effect):- The land ("the Unit Land") comprised in this Register Unit is a triangular piece in the centre of Mundford about the size of a tennis court. It is bounded on three sides by roads which in turn are lined by older type buildings. Except for the Parish Council no-one has shown any inclination to keep the Unit Land in a presentable condition within living memory. Shortly after the 1939 - 45 war, the Parish Council enclosed the Unit Land with concrete posts and iron chains. About ten years ago, this fence was repaired and improved, again by the Parish Council. The Parish Council has also paid out considerable sums of money over the past three years to have the green cut regularly. This has greatly improved its appearance. In 1973 three flowering trees were planted there. As far as can be ascertained from the older inhabitants, the land has always been regarded as the property of Mundford, although no record of ownership has been found. This small piece of land as maintained by the Parish Council undoubtedly enhances the appearance of the centre of Mundford. For generations older people have used it as a gathering place, and young children especially have prized it as a small play area.

After being questioned by Mr Rand, Mr Emms produced an undated note found among the papers of the Parish Council which Mr Rand accepted as a correct statement of fact; this note recorded:- "The Village Green. Before 1911 was used by passing gypsies, caravans, travelling shows etc. which were a general nuisance to the Village. During Captain Montagu's time was enclosed by him and maintained by the Estate. Was always well kept & green lawn mown. After sale of estate was maintained by Parish Council. Concerts whist drives etc. were given to provide funds. Flags for the flag pole were even provided and given into the care of the proprietor of the Crown Hotel, and should still be there ...".

Mr Rand in the course of his evidence provided much information about the Lynford Hall Estate (or the Lynford Estate) which included almost all the village of Mundford, exce



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the Glebe Lands. He produced: (1) Particulars of sale of Lynford Hall Estate of about 7,718 acres to be held by auction on 23 July 1895, (2) a copy of a map of the Estate, (3) Particulars of sale of Lynford Hall, farms and other holdings containing 1,505 acres by auction on 7 August 1924, (4) copies of the entries relating to Lynford in Kelly's Directory for the years 1858, 1904, 1912 and 1929, (5) a copy of "A Particular of the Manor of Lynford" (1652) which is now in the Norfolk and Norwich Record Office. Mr Rand also produced a list of lords of the Manor of Lynford (Lynford Mundford, Cranwich, Colveston, and West Tofts from 1223 to 1956 and a statement of his submissions in which he summarised the information he had compiled over a period of 5 years from ancient records with the assistance from time to time of professional researchers. Neither the 1894 particulars nor the 1924 particulars expressly included the Unit Land. Mr Rand concluded that the 1924 particulars were prepared on the instructions of Captain F. J. O. Montagu who had been lord of the Manor since 1904. He could not produce any abstract of the title of Mr Holmes to the Lordship of the Manor, because this was in London.

I have looked at a copy of a letter dated 24 July 1973 from Mr Holmes to the County Council and the letter dated 7 July 1975 from him to the clerk of the Commons Commissioners because in each of these letters he asks the Commons Commissioners to consider the points therein mentioned when determining ownership.

I am not persuaded by the information I have that I can properly conclude that Mr Holmes is now Lord of the Manor of Lynford; I have no information as to how he became entitled in succession to Miss S. A. C. Edleston; I cannot regard a statement in the 1929 Kelly's Directory that the representatives of Dr Joseph Edleston were at that time the lords of the manor as establishing their title. Apart from this entry and the entries in the earlier directories, the documents produced to me contain nothing indicating that the Lordship was included in or went with the Estate. However as it is both possible and likely that Mr Holmes could if need be prove his title to the Lordship and I would, if I thought this could benefit him but for the two difficulties below mentioned, give him an opportunity of providing any further evidence which might be requisite, I shall in the remainder of this decision assume that there is or was a manor of Lynford and that the lordship is now vested in him. The first difficulty is that no document has been produced to me indicating that the Unit Land has ever been part of the manor, or part of the lands known as the Lynford Estate; on the map at page 26 of the 1895 particulars, the Unit Land is not coloured green like the rest of the Estate. The second difficulty is that the evidence of Mr Emms as outlined above not only renders it unlikely that the Unit Land was within living memory part of or reputed to be part of the Manor but indicates that if Mr Holmes or any predecessor of his ever had any title to the Unit Land, such title has been extinguished by the Limitation Act 1939. For the above reasons, I am not satisfied that Mr Holmes is the owner of the Unit Land.

There being no evidence that anyone else other than the Parish Council could be the owner, it may not be of much practical consequence, whether I direct their registration as owner under sub-section (2) of section 3 of the 1965 Act because I am satisfied they are the owner, or I direct their registration as owner under sub-section (3) of the same section because I am not satisfied that any person is the owner. On the evidence of Mr Emms as outlined above, I conclude that the Council are in possession and that it is practically certain that such possession cannot be disturbed. Possession in such circumstances is equivalent to ownership.

For the above reasons I am satisfied that the Parish Council are the owners of the Unit



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Land and I shall accordingly direct the Norfolk County Council as registration authority to register Mundford Parish Council as the owners 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 *1st* day of *October* 1975

a. a. Austin Fuller

Commons Commissioner