



COMMONS REGISTRATION ACT 1965

Reference No. 42/U/70

In the Matter of the Recreational  
Allotment at Old Storridge Common,  
Alfrick, Martley R.D., Worcestershire

DECISION

This reference relates to the question of the ownership of land known as the Recreational Allotment at Old Storridge Common, Alfrick, Martley Rural District being the land comprised in the Land Section of Register Unit No. VG.49 in the Register of Town or Village Greens maintained by the Worcestershire 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 Alfrick Parish Council claimed to be the freehold owner 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 Worcester on 13 November 1973. At the hearing Alfrick and Lulsley Parish Council were represented by Mr. F. Portman their clerk.

Mr. Portman is now aged 66 years, has lived in the Village since he was 11 years old and was for about 30 years clerk of the Alfrick Parish Council until about three months ago when it became the Alfrick and Lulsley Parish Council (as a result of these two parishes joining together for parish council purposes).

In the course of his evidence Mr. Portman produced the Alfrick Inclosure Award\* held by the Parish Council and dated 10 February 1870, which contained an allotment as follows:- "And I declare that I have set out and do hereby set out and allot unto the Churchwardens and overseers of the poor of the said Hamlet or Township of Alfrick All that piece or parcel of Land numbered 8 on the said Map and containing two acres to be held by them and their successors in trust as a place of exercise and recreation for the Inhabitants of the said Hamlet and neighbourhood And I direct that the fences on the North and West sides of such allotment shall from time to time be repaired and maintained by and at the expense of the Churchwardens and overseers of the Poor of the said Hamlet for the time being". Mr. Portman identified the parcel of land numbered 8 on the Award map with the land ("the Unit Land") comprised in this Register Unit and delineated on the Register map.

The Unit Land is now grass scrub land very much overgrown; it is situated on the edge of the Village. Since the 1870 Award, the Village has acquired another

\* Note. In the 1893 Parliamentary Return of Awards held by the Board of Agriculture, the common inclosed by this Award is described as "Old Storridge" in the parish of "Suckley (Alfrick Hamlet or Township)" and the Authorising Act said to be dated 20 August 1853 (presumably 16 & 17 Vict. cap. 120). In the 1903 Parliamentary Return of Awards enrolled with Clerks of the Peace, the Award is said to have been made (as the Award produced by Mr. Portman recites) under "Acts for inclosure exchange and improvements of land".



-2-

recreation ground more centrally situated and therefore more convenient than the Unit Land. Although some still walk over the Unit Land for pleasure or to exercise a dog, it is otherwise used for recreation very little if at all. The Parish Council are exploring the possibility of getting permission to sell the Unit Land (before effecting a sale, the matter will be put to a Parish Meeting), and considering how the price which might be received could be used advantageously.

Under the Overseers Transfer Order 1927, made under the Rating & Valuation Act 1925, land formerly vested in churchwardens and overseers of the poor passed to the appropriate parish council.

Having regard to the above quoted allotment in the 1870 Award and the 1927 Order I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Worcestershire County Council, as registration authority, to register Alfrick and Lulsley Parish Council 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 21 day of November 1973.

A. A. Baden Fuller

Commons Commissioner