



COMMONS REGISTRATION ACT 1965

Reference No.25/U/89

In the Matter of Hunworth Green,
Stody, Erpingham R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as Hunworth Green, Stody, Erpingham Rural District being the land comprised in the Land Section of Register Unit No.VG.54 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 14 June 1973. The hearing was attended by Stody Parish Council who were represented by Mr. E. J. Crawley their chairman and by Erpingham Rural District Council who were represented by Mr. A. Marson their clerk.

Mr. Crawley who has lived in the Village and been a member of the Parish Council for the last seven years gave evidence. He produced a conveyance dated 14 April 1939 by which Litcol Estates Ltd. by the direction of H. S. Viscount Rothermere conveyed to the Representative Body of the Parish of Stody land containing one rood eleven poles as delineated on the plan annexed "upon trust to use the same as part of or an addition to the said Village Green and for the purposes authorised by the Recreation Grounds Act 1859 or some of them". The land ("the Unit Land") comprised in this Register Unit is situate in the middle of the Village; it is grass land with some trees and consists (as appears from the Register map) of four pieces; the land conveyed by the 1939 conveyance is a rectangular piece being the south east part of the most south easterly of the said four pieces. Mr. Crawley said (from his own knowledge and information given him by older inhabitants) it has always been assumed that the whole of the Unit Land belonged to the Parish Council (formed at least 20 years ago); they have at their own expense regularly cut the grass and from time to time planted trees. But apart from the 1939 conveyance the Parish Council have no documents of title.

~~Mr. Marson did not~~ claim ownership on behalf of the Rural District Council.

The 1939 conveyance appears to have been prepared on the assumption that the Representative Body was the owner of all the other land then known as the Village Green. From this and from the acts of possession described by Mr. Crawley, I conclude that the Parish Council is in possession not only of the piece of the land comprised in the 1939 conveyance but also of all the other parts of the Unit Land, and that it is practically certain that such possession would not be disturbed. Possession in such circumstances is equivalent to ownership. I am accordingly satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Stody Parish Council as the owner of the land under section 8(2) of the Act of 1965.



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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 29th day of June 1973.

a. a. Baden Fuller

Commons Commissioner