



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/101

In the Matter of Pond End, Brancaster, West  
Norfolk District, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Pond End, Brancaster, West Norfolk District being the land comprised in the Land Section of Register Unit No. VG 62 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 Brancaster Parish Council provided some information about the land in question and claimed ownership if nobody else comes forward with a similar claim. No other person claimed to be the freehold owner of the land or 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 King's Lynn on 25 November 1975. At the hearing Brancaster Parish Council were represented by Mr H. Johnson their vicechairman and Mrs J. Lake their clerk.

Mr Johnson who is 58 years of age, and has lived in or near the Village all his life, in the course of his evidence said (in effect):- The land ("the Unit Land") is a small piece containing (according to the Register) 0.0015 hectares (178 square yards) in the middle of the Village, south of the A149 road at a point (the Village Cross Roads) where this road is joined by the B.1155. It is now a piece of open grassland with some shrubs and rose bushes; on it stands the Village Sign. The Unit Land as he first remembered it, was a pond used as a communal watering place for cattle and horses, particularly animals being driven from Docking railway station on the south; then the building on the west side was (as shown on the O.S. map) a smithy (it is now engineering premises). Up to about 1951, the Parish Council had it cleaned out regularly (otherwise it would have silted up). Unfortunately about that time the contractor damaged the bottom, and the pond (or what was left of it) came to be used as a dump, a collection of tins etc, which were unsightly and attracted flies. In about 1953 the Parish Council at their expense had the pond filled up, having first consulted the County Council about the possible effect on the drainage. Ever since the Parish Council have assumed responsibility for the maintenance of the land, and kept it tidy, so it is now a very attractive village green. They arranged for the erection of the Village Sign.

If I am not satisfied that any person is the owner of the Unit Land (it was not suggested that anybody other than the Parish Council could be the owner; they had without any success made enquiries as to the possible ownership of some other person), I am by subsection (3) of section 3 of the 1965 Act required to direct the registration of the Parish Council as owner. So it may not be of much practical consequence whether I am satisfied about their ownership and direct their registration under subsection (2) of section 3.



Although the Parish Council's ownership claim is not supported by any documents, the long use of the Unit Land as a common watering place is consistent with it being parish property. Whether or not it is now as such vested in the Parish Council, the things done by them as described by Mr Johnson may I think properly be regarded as showing that they are now in possession and that such possession is unlikely to be disturbed. Possession in such circumstances is equivalent to ownership.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Brancaster 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 16<sup>th</sup> — day of December 1975

*a. a. Baden Fuller*

Commons Commissioner