



In the Matter of Recreation Ground, Costessey,
South Norfolk D

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land section of Register Unit No. VG 132 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 Costessey Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and the Commons, Open Spaces and Footpaths Preservation Society 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 Unit land at Norwich on 16 March 1981. The hearing was attended by Mr A D Pond, Administrative Officer of the County Council, and by Mr G A Lowe, Chairman of the Parish Council. Mr Lowe giving evidence said that the Unit land has always been regarded as parish land and has been administered by trustees on behalf of the Parish Council. The land has been let by them for grazing purposes. By an Inclosure Award of 7 September 1860, relating to the wastes and commonable lands situated in the Parish a piece of land numbered 119 on the Award Map, containing 4 acres, was allotted to the Churchwardens and Overseers of the Parish to be held in trust as a place for exercise and recreation for the inhabitants of the Parish. An affidavit sworn on 12 March 1981 by Mr J S Holdsworth, a Higher Executive Officer of the Charity Commission, was produced in which reference was made to the Inclosure Award and from which it appears that the trust has been registered as a charitable trust. I have not seen a copy of the Award Map, but on the evidence I am satisfied that the Parish Council is the owner of the Unit land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Costessey Parish Council as the owner 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

15 April

1981

L. J. Morris Smith

Commons Commissioner