



## COMMONS REGISTRATION ACT 1965

Reference No.25/U/87

In the Matter of Scratby Green,  
Ormesby St. Margaret, Blofield  
and Flegg R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as Scratby Green, Ormesby St. Margaret, Blofield and Flegg Rural District being the land comprised in the Land Section of Register Unit No.VG.49 in the Register of Town or Village Green 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 20 March 1974. At the hearing Ormesby St. Margaret Parish Council were represented by Mr. D-G. Young, articled clerk with Lucas & Willys, Solicitors of Great Yarmouth.

Evidence was given by Mr. E. G. Tennant who is 69 years of age, has lived all his life in the Village and who has been clerk of the Parish Council for the last 29 years. He produced an Inclosure Award dated 16 May 1845 made under the Ormesby Saint Margaret, Ormesby Saint Michael, Ormesby Saint Peter, Ormesby Saint Andrew and Scratby Inclosure Act (5 & 6 Vict. sess. 2; cap.ix). The 1845 Award included allotments as follows:- " ... unto the Surveyors of the Highways within the said Parish or division of Scratby otherwise Scroteby and to their successors for ever the two pieces of land next hereinafter described ... Secondly one other piece of land marked 205 on the said Plan containing by measure one rood and twenty perches bounded ... by the Sea Beach towards the North East by the private Road Fifthly described towards the South ... And ... unto the Surveyors of the Highways within the said Parish of Ormesby Saint Margaret and to the successors for ever two pieces of land next hereinafter described ... First one piece of land marked 206 on the said Plan containing three roods bounded by the Private Road fifthly described towards the North by the Sea Beach towards the East ... (the north piece allotted for the Scratby Surveyors and the South piece for the Ormesby Saint Margaret Surveyors is for the purpose of) ... supply stone and other materials for the repair of the several Roads or Ways within the said Parishes and places ..."

The Register map shows the land ("the Unit Land") comprised in this Register Unit as a cigar shaped piece of land containing 1.706 acres, bounded on the east by the Sea Beach, approached from the Village (further in land) by Beach Road, and bounded for the most part on the west by a road being or leading into Rottenstone Lane (running from the east end of Beach Road southwards more or less parallel with the Sea shore). The Register map also shows the line of a road ("the old road") apparently crossing the Unit Land from the east end of Beach Road and ending on the Beach.



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Mr. Tennant said (in effect):- After the 1952 floods, a strip of land on the east side of the Unit Land fell down on to the beach, taking with it part of the road which then ran south from the east end of the Beach Road and then being the north end of Rottenstone Lane. After this fall a new road (which now runs along the west boundary of the Unit Land) was made. He remembered when he was a boy there was a pit in the north part of the Unit Land, generally filled up with water; in 1952 the east side of this pit, disappeared, being part of land which then fell down on to the beach; there are now (as marked on the Register map) steps from the north part of the Unit Land down to the beach and a ramp from the south part down to the beach. The north part of the Unit Land is waste and overgrown; on the south part where it is level there are seats where people can sit and enjoy the view of the sea.

On the evidence outlined above, I identify the part of the Unit Land north and east of the old road as being part of pieces numbered 205 and 206 and part of the private road "fifthly described", mentioned in the allotments above quoted; the remaining parts of these pieces are now part of the beach. In my view the said part of the Unit Land became vested in the Rural District Council as successor to the Surveyors of the Highways of Scratby and of Ormesby St. Margaret under section 25 and 67 of the Local Government Act 1894; withstanding such vesting they will continue to be subject to the provisions of the allotment, see section 67 of the 1894 Act and be "parish property" within the meaning of the Local Government Act 1933.

I have no direct evidence as to how the part of the Unit Land south of the old road came to be combined with pieces 205 and 206 allotted by the Awards. I can attach no historical significance to the name "Scratby Green" by which the Unit Land is now known; on the Award map a much larger area intended to be enclosed by the Award, is called "Scratby Green". Mr. Tennant said that the above mentioned ramp had been made by the Rural District Council. It seems likely that the responsible local authority when acquiring the land for the new road also acquired the land in between it and the old road and then treated the last mentioned land as being subject to the same legal incidents as the land which had fallen on to the beach. I conclude that I ought to do the same.

For the above reasons I am satisfied that the Rural District Council was at the date of the hearing the owner of the whole of the Unit Land and I shall accordingly direct the Norfolk County Council as registration authority to register Blofield and Flegg Rural District (or their successors under the Local Government Act 1972) 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 23<sup>rd</sup> day of April 1974

a. a. Baden Fuller