



## COMMONS REGISTRATION ACT 1965

Reference No.25/U/54

In the Matter of The Green,  
Salthouse, Erpingham R.D.,  
Norfolk

DECISION

This reference relates to the question of the ownership of land known as The Green, Salthouse, Erpingham Rural District (north and south of the Sheringham-Cley Road) being the land comprised in the Land Section of Register Unit No.VG.6 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 Salthouse Parish Council and Erpingham Rural District Council who both were represented by Mr. A. Marson, clerk of the Rural District Council. The hearing started in the afternoon: Mr. Marson said that Mr. S. Craske the chairman of the Parish Council had been present during the morning, and had intended to represent his Council, but having been called away, had arranged for him Mr. Marson to represent the Parish Council in his absence.

Mr. Marson who has been clerk of the Rural District Council for the last 18 years and knew the land well gave evidence. He produced an Inclosure Award dated 13 August 1854, containing an allotment in these words:- "And I declare that I have set out and do hereby set out allot and award unto the Churchwardens and Overseers of the Poor of the said Parish of Salthouse All that piece or parcel of land numbered 28 on the said map A 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 Parish and Neighbourhood. The Award map showed a piece of land marked "A No.28. The Poor for Recreation 2.0.00". This piece was much the same shape as the part of the land comprised in this Register Unit which is part of the Sheringham-Cley Road. Now, the land ("the Unit Land") comprised in this Register Unit is simply a triangular piece of land forming an island in the centre of a road junction: the "Catchment Drain" shown on the Award map is a wide ditch.

The 1854 Award was made under the Second Annual Inclosure Act 1850 (13 & 14 Vict. cap.66) by which a proposed Inclosure (among others) mentioned in a provisional order dated 29 June 1850 was to be proceeded with.

By the joint effect of the Local Government Act 1894 sections 5(2) (c) and 6 (1) (c), the Rating and Valuation Act 1925 section 62 and the Overseers Order 1927 articles 4 and 6, the land by the above quoted allotment vested in the Churchwardens and Overseers is now vested in the Parish Council.



According to the Register map, the Unit Land is divided into five pieces only one of which is north of what is now the Sheringham-Cley Road, so that it may be that the Unit Land is more than that allotted under the Award. Although I had no evidence of the separate history of these other four pieces, I think I can properly conclude that they have all somehow accrued to that so allotted so as to become under the same ownership. I am therefore 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 Salthouse 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

9<sup>th</sup>

day of

July

1973.

a. a. Baden Fuller

Commons Commissioner