



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/103

In the Matter of the Green and Recreation Ground,
South Creake, West Norfolk District, Norfolk

DECISION

This reference relates to the question of the ownership of land containing about 2.474 hectares (6.113 acres) and known as the Green and Recreation Ground, South Creake, West Norfolk District being the land comprised in the Land Section of Register Unit No. VG.70 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 South Creake Parish Council claimed to be the freehold owner of the land in question and no other 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 King's Lynn on 25 November 1975. At the hearing South Creake Parish Council were represented by Mr H F Sands their clerk.

Mr Sands, who has lived in the Village for 62 years (he is now aged 68 years), became a member of the Parish Council in 1946 and has been their clerk since 1956, in the course of his evidence produced: (1) an extract from the South Creake Inclosure Award dated 11 September 1860, (2) a conveyance dated 6 November 1908 and made between Viscount Coke and South Creake Parish Council, (3) the Parish Council Minute Books from 1894 to 1928, from 1928 to 1961 and from 1961 to date, (4) the Parish Council Account Book from 1894 to 1914, and (5) a consent dated 20 April 1934 granted by the Parish Council and accepted by the Postmaster General for the erection of a public telephone kiosk.

Mr D Cubitt solicitor who was representing the County Council as registration authority produced the 1860 Award from the County Archives. It was made under the Second Annual Inclosure Act 1856 (19 & 20 Vict.c.106).

By the 1860 Award, a parcel of land numbered 403 and containing 4 acres was allotted to the churchwardens and overseers of the poor of the Parish of South Creake as a place for exercise and recreation of the inhabitants of the said Parish for the time being. By the 1908 conveyance, after recitals to the effect that the investment thereby made was of the proceeds of an allotment sold by the Parish Council under section 27 of the Commons Act 1876 and was made with the approval of the Board of Agriculture and Fisheries under the same section, it was witnessed that a piece of land then known as Beck Pightle and containing 5 acres 1 rood and 1 perch as delineated on the plan drawn thereon was conveyed to the Parish Council in trust as a place for exercise and recreation for the inhabitants of the Parish of South Creake and neighbourhood.



The land comprised in this Register Unit is in two pieces: the north piece ("the Green") containing about 1 acre, and the south piece ("the Recreation Ground") separated from the Green by a road and containing about $5\frac{1}{4}$ acres.

Mr Sands identified the Recreation Ground with the land by the 1908 conveyance expressed to the conveyed, and called attention to the various minutes of the Parish Council which showed that the allotment recited in the 1908 conveyance as having been sold was the same as the land numbered 403 allotted by the 1860 Award, and that the Parish Council had ever since been in control of the Recreation Ground. As to the Green, Mr Sands called attention to the 1905 minutes which described the Recreation Ground (then intended to be purchased) as "the pasture near the Green", to the receipt dated October 1914 and recorded in the Account Book of £1 from a Travelling Showman standing on the Green, to a discussion at the 1947 Parish Meeting about trees and seats being installed on the Green, to the above mentioned 1935 permission for a telephone kiosk, and to numerous more recent minutes recording the interest of the Parish Meeting and of the Parish Council as to the state of the Green.

On the evidence outlined above I conclude that the Green either has always been Parish property, or is now in possession of the Parish Council in circumstances which make it practically certain that their possession will not be disturbed; such possession is equivalent to ownership. I also conclude that the Parish Council have a good documentary title to the Recreation Ground under the 1908 conveyance. I am therefore 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 South Creake 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 18th day of December

1975

a. a. Radin Fuller

Commons Commissioner