



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/211

In the Matter of the Recreational
Allotment, Dickleburgh, South Norfolk
District, Norfolk

DECISION

This reference relates to the question of the ownership of land known or formerly known as the Recreational Allotment, Dickleburgh, South Norfolk District being the land comprised in the Land Section of Register Unit No. VG175 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 Mr W J Draper 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 Norwich on 3 April 1979. At the hearing Mr Draper was represented by Mr M W Philpot, a friend (also clerk of Dickleburgh Parish Council).

Mr Philpot in the course of his evidence, produced a scheme made on 15 July 1955 by the Minister of Education under the Charitable Trusts Acts 1855 to 1925 for the Recreation Ground in the Parish of Dickleburgh founded by an Inclosure Award dated 29 November 1855; and a conveyance dated 29 June 1956 by which the Parish Council conveyed to Mr Draper OS plot No. 146. By the scheme the Parish Council were authorised to sell the Recreation Ground, and in the conveyance the land thereby conveyed was identified with the land number 37 on Map A annexed to the Award and therein said to contain 3 acres.

Mr Philpot said that the land is now used for agricultural purposes.

Although the scheme and conveyance indicate that the land is no longer (except historically) a recreational allotment, I have no jurisdiction in these proceedings to avoid the registration, being concerned only with ownership. As to this, on the evidence summarised above I am satisfied that Mr Draper is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Mr William John Draper of Chapel Farm, Dickleburgh, Diss 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 23rd — day of April — 1979

W. A. Bacon Fuller

Commons Commissioner