



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/212

In the Matter of the Recreational Allotment,
Elsing, Breckland District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as the Recreational Allotment, Elsing, Breckland District being the land comprised in the Land Section of Register Unit No. VG 166 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 the (1) Revd. Dr. Edward C Brooks gave some information (letter dated 10 October 1975) about land bought by the Parish Council in or about 1957 from Mr George Astley the owner of Elsing Hall until 1955 when he sold up the Elsing Estate; and (2) Mr Earl clerk of Elsing Parish Council said (letter dated 16/10/75) that the land in question has always been recognised as belonging to the parish of Elsing, being known as part of Elsing Heath, that he had lived in the Village since 1938 and had never had any doubts as to its ownership. No other person claimed to be the freehold owner of the land or 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 4 April 1979. At the hearing Elsing Parish Council was represented by Mr R M Baker their chairman.

Mr Baker said that Dr. Brooks' letter was correct as regards another piece of land, and that Mr Earl's letter was as regards the land in question on this reference correct.

From the County Archives was produced the Elsing Inclosure Award dated 24 August 1849 (made under the Elsing Inclosure Act 1841, 4 & 5 Vict. c. 15) which contained an allotment as follows:- "... award unto the churchwardens and overseers for the time being of the said parish of Elsing for the exercise and recreation of the neighbouring population ... one piece of land numbered 10 on the map or plan hereto annexed and containing two acres ...".

Mr Baker identified the land in this Register Unit with that number 10 in the Award map, and said (he owns the adjoining land) that it is an ordinary barren piece of land on which children play and for which there seems to be no other demand.

On this evidence I am satisfied that the Parish Council as successors under the Local Government Act 1894 of the churchwardens and overseers mentioned in the above quoted allotment, are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Elsing 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



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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

A.A. Baden Fuller

Commons Commissioner