



COMMONS REGISTRATION ACT 1965

Reference No.25/U/72

In the Matter of the War Memorial,
Green, South Creake Docking R.D.,
Norfolk

DECISION

This reference relates to the question of the ownership of land known as the War Memorial Green, South Creake, Docking Rural District being the land comprised in the Land Section of Register Unit No.CL.179 in the Register of Common Land 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 Norwich on 12 June 1973. The hearing was attended by South Creake Parish Council who were represented by Mr. H. F. Sands their clerk.

Mr. Sands who is nearly 66 years old, was born in Docking, moved to Creake when he was 3 years old, has lived in the Village ever since, been a member of the Parish Council since 1946 and clerk since 1955 gave evidence. After the hearing I inspected the land, Mr. Sands having agreed that I might do so unattended.

The land is triangular having on its east side (about 22 yards) the road (B.1355) from Takenham to Burnham, on its west side (about 25 yards) a side road to Cyderstone and on its north side (about 15 yards) a short road connecting the other two and separating the land from the School. In the middle there is a stone War Memorial surrounded by a low railing about 10 feet square. The rest of the land is grass. On the north side near the middle there is a notice board "South Creake Parish Council, NO PARKING". At the south end there is a "GIVE WAY" road sign.

Mr. Sands said (in effect):- He had been through the Parish Council minute books for meetings between 1921 and 1946 and found a reference to a War Memorial Committee comprising residents in the Village including members of the Council: there was now a small sum in a Post Office Saving Bank account in the name of the South Creake Memorial Fund and this sum is held separately from the Parish Council Funds. A minute of a meeting held on 3 May 1949 was: "War Memorial Green - Parking: The Clerk reported that cars and lorries continued to park on the War Memorial Green; after discussion it was proposed by Mr. Sands (the witness) that a notice board "No Parking" be erected. All in favour. Mr. Greggs very kindly offered to get one of his men to prepare and fix the Board which was accepted with thanks." The notice board was placed on the Green and has been renewed from time to time: that which I saw had evidently been there for some time. In the Spring, the Green is a mass of daffodils, originally planted by Mr. P. Taylor, an old resident now deceased; when the daffodils die down, somebody in the Village cuts the grass, as would be known to the Parish Council: but the Village is small (the Parish Council is only 9 members; so no formal arrangement is necessary. Nobody (other than the Parish Council) has claimed ownership.



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When inspecting the land I was impressed by the notice board as showing that the Parish Council were in control of the land. I conclude from this and the evidence of Mr. Sands summarised above that the Parish Council are in possession and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership. For this reason I am 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 South Creake 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

9th

day of

July

1973.

A. A. Baden Fuller

Commons Commissioner