



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/121

In the Matter of Village Green, South Wootton,
West Norfolk District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Village Green, South Wootton, West Norfolk District being the land comprised in the Land Section of Register Unit No. VG.17 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 Wootton 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 Kings Lynn on 26 November 1975. At the hearing South Wootton Parish Council were represented by Mr M J Bowskill their chairman.

Mr Bowskill who has lived in the Village for the last 23 years, who was a member of Freebridge Lynn Rural District Council for 9 years before 1972, and is a member of West Norfolk District Council, and who has been chairman of the Parish Council for the last 9 years, in the course of his evidence produced the South Wootton Inclosure Award dated 10 May 1854 made pursuant to a provisional order confirmed by the Annual Inclosure Act 1851 (13 Vict. c. 66).

The Award so produced was held in the custody of the Parish Council. Another copy of the said Award in the custody of the County Council was produced by Mr D Cubitt solicitor who at the hearing represented the County Council as registration authority.

By the Award, three "Public Ponds and Watering Places" were set out as on the map numbered 179, 180 and 181, and each containing 1 rood, and there was allotted to the "churchwardens and overseers of the poor of the said Parish of South Wootton all that piece or parcel of land numbered on the said Map 178 containing Seven Acres and nineteen perches 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". On the map the three ponds numbered 179, 180 and 181 are on an east-west line and are surrounded by plot 178.

Mr Bowskill identified the land on the Award map numbered 178 and the site of the three ponds shown thereon (there is now only one pond) with the land comprised in this Register Unit. When he first knew the land it was in poor condition, being very rough and in places marshy; in the last 4 years the Parish Council have levelled, drained and reseeded it.



Two days after the hearing, I inspected the land. It is open grass land with a pond; all of attractive appearance and obviously of value as an amenity to those living in the houses which surround it and in the neighbourhood.

Under the Award, the ownership of the soil of the ponds must I think always have been the same as that of the surrounding recreational allotment; in my view the Parish Council are now entitled to such ownership as successors of the churchwardens and overseers. For these reasons I am 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 Wootton 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 5 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 5th day of December 1975

a. a. Baden Fuller

Commons Commissioner