



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/209

In the Matter of Village Green or
Church Green, Burston, South Norfolk
District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Village Green or Church Green, Burston, South Norfolk District being the land comprised in the Land Section of Register Unit No. VG107 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 Commons, Open Spaces and Footpaths Preservation Society (in respect of the registration an application by them is noted in the Land Section) said (letter dated 16 September 1975) that the land was allotted to the churchwardens and overseers of the Parish by the Shimpling and Burston Inclosure Award made on 26 October 1971; and Burston Parish Council claimed (letter dated 20 September 1975) ownership as trustees of such allotment. No other person claimed to be the freehold owner of the land in question 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 3 April 1979. At the hearing Burston Parish Council were represented by Mr M W Philpot, their clerk.

The Award (produced from the County Archives) contained an allotment:- "...unto the Churchwardens and Overseers of the Poor of the said Parish of Burston all that piece or parcel of land called the Church Green numbered 119 on the said map containing two roods and twentyseven perches to be held by them and their successors in trust as a place for exercise and recreation for the Inhabitants of the said Parish and neighbourhood". Plot No. 119 on the Award map is the same as the land in this Register Unit. Mr Philpot said that it is an open area of grass land much played on by children.

On this evidence I am satisfied that the Parish Council as successors under the Local Government Act 1894 of the churchwardens and overseers are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Burston 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 23rd day of April — 1979

A. A. Bacon *Fuller*

Commons Commissioner