



COMMONS REGISTRATION ACT 1965

Reference Nos. 25/U/113  
225/U/189

In the Matter of (1) Ingoldisthorpe Common  
and (2) the Recreation Ground, Ingoldisthorpe,  
West Norfolk. District, Norfolk.

DECISION

These references relate to the question of the ownership of lands known as (1) Ingoldisthorpe Common and (2) the Recreation Ground, both in Ingoldisthorpe, West Norfolk District being the lands comprised in the Land Section of (1) Register Unit No. CL.361 in the Register of Common Land and (2) Register Unit No. VG.131 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 these references Commons, Open Spaces and Footpaths Preservation Society wrote that the Recreation Ground (VG.131) was allotted to the churchwardens and overseers for exercise and recreation in an Award relating to the Inclosure of Ingoldisthorpe Common dated 21 September 1857. No person claimed to be the freehold owner of the lands in question and no other person claimed to have information as to the ownership of either of them.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at King's Lynn on 26 November 1975. At the hearing, Ingoldisthorpe Parish Council were represented by Mr L Firth their chairman.

The land ("the CL.361 Land") comprised in Register Unit CL.131 is in two pieces separated by a strip being the site of the railway now disused, between King's Lynn and Hunstanton. If the CL.361 Land and the said strip are treated as one piece, it would contain about 30 acres. It is southwest of the Village and can be approached by a side road (Sandy Lane) between 300 and 400 yards long leading off the A149 road. The CL.361 Land is now much overgrown with scrub and young trees.

The land ("the VG.131 Land") comprised in Register Unit VG.131 is approximately square, and contains about 3 acres; it is situate between the CL.361 Land and the Village and adjoins the A149 road. It is now laid out as a recreation ground (a football ground) with a pavilion on the west side.

Mr Firth who has lived in the Village since 1956, has been a member of the Parish Council for the last 12 years, and was a member of Docking Rural District Council for 9 years before 1972, in the course of his evidence, produced the Ingoldisthorpe Inclosure Award dated 21 September 1857 (made under the Annual Inclosure Act 1856, 19 Vict.c.11), and now held by the Parish Council. Mr D. Cubitt solicitor who was representing the County Council as registration authority, produced the same Award which had been enrolled by the Clerk of the Peace and was now held by the County Council. The 1857 Award contains an allotment: "Unto



the said churchwardens and overseers of the poor all those pieces or parcels of land numbered 23, 23A and 23B on the said map containing thirty acres to be held by them and their successors in trust as an allotment partly for a supply of whins and partly for a supply of flags for the persons now entitled to cut whins and flags on the said common. The quantity allotted for each purpose being as follows that is to say number 23 being fourteen acres for flags and 23A and 23B being sixteen acres for whins"; and another allotment "unto the churchwardens and overseers of the poor for the said parish of Ingoldisthorpe all that piece or parcel of land numbered 5 on the said map containing three acres 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".

After the hearing, I walked along the track on the north side of the CL.361 Land and looked at the VG.131 land.

By comparing the Award map and the Ordnance Survey map produced by Mr Firth, I identified the CL.361 Land (O.S. Nos. 21 and 22 containing 16.789 and 13.758 acres) and the railway strip with the plots numbered 23, 23A and 23B on the Award map, and the VG.131 Land with plot 5 on the Award map. I am therefore satisfied that the Parish Council as successors of the churchwardens and overseers of the poor are the owners of the lands and I shall accordingly direct the Norfolk County Council, as registration authority, to register Ingoldisthorpe Parish Council as the owner of the lands 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 16<sup>th</sup> day of December 1975

*a. a. Baskin Fuller*

Commons Commissioner