



COMMONS REGISTRATION ACT 1965

Reference No.25/U/93

In the Matter of the Recreation Ground,
Briston, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Briston, being the land comprised in the Land Section of Register Unit No.VG.23 in the Register of Town or Village Greens maintained by the former 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 Mr.J.Perry and Mr.R.T.Ives claimed to be the freehold owners of parts 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 25th June 1974.

At the hearing Mr. K.W.Oestricks, solicitor, appeared on behalf of the Briston Parish Council. I heard Mr.H.E.Perry on behalf of his sons Mr.J.Perry and Mr.E.B.Perry. Mr.Ives did not appear and was not represented.

Most of the land in question was allotted to the churchwardens and overseers of the poor of the parish of Briston by the Inclosure Award, dated 25th January 1870, made under the Acts for the Inclosure, Exchange and Improvement of Lands, to be held in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. There is no conflicting claim to this part of the land, which became vested in the Parish Council by the operation of sections 6(1)(c)(iii) and 67 of the Local Government Act 1894.

The remaining part of the land was, with other land, allotted by the Inclosure Award to one Primrose Hilham. There is no evidence as to how long it remained in Mr. Hilham's possession. From about 1937 to 1945 it lay open to the Recreation Ground and was used by the children at the nearby school for playing cricket and football. In the spring of 1947 Mr.H.E.Perry erected a fence between this land and the Recreation Ground and put some huts on the land. From then until 1963 Mr.H.E.Perry used the land and the huts for the purposes of his poultry business. Since 1963 Mr.J.Perry and Mr.E.B.Perry have kept pigs and poultry on the land. At no time since 1947 have Mr.H.E.Perry or his sons had any adverse claim to the land. By a conveyance dated 23rd April 1970 Mr.H.E.Perry conveyed the land which he had occupied to his sons.

On this evidence I am satisfied that the Parish Council is the owner of the part of the land allotted to the churchwardens and overseers and that Mr.J.Perry and Mr.E.B.Perry are the owners of the remainder of the land, and I shall accordingly direct the Norfolk County Council, as registration



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authority to register the Parish Council and Mr.J.Perry and Mr.E.B.Perry as the owners of the respective parts 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 15th day of July 1974

A handwritten signature in cursive script, appearing to read 'J.S. Lewis', written in dark ink.

Chief Commons Commissioner