



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/31

In the Matter of Three Pieces of Land,
Thornage, Norfolk.

DECISION

This reference relates to the question of the ownership of three pieces of land in the parish of Thornage, being the land comprised in the Land Section of Register Unit No. CL 214 in the Register of Common Land 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 no person claimed to be the freehold owner of the land in question and no one 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 16 July 1976.

Mr P. J. Suckling, a member of the Thornage Parish Council, appeared at the hearing.

The Parish Council has paid the County Council for cutting the grass on these pieces of land and for keeping them in good order and attractive for upwards of twenty years. About eight years ago the Parish Council placed climbing frames for children and seats on the land. Trees have been planted on the land at various times by persons residing in the village.

I am unable to regard merely ameliorative work, such as cutting grass and weeding, as adverse to the interests of the true owner, whoever he may be. The placing of the climbing frames and seats on the land has, in my view, constituted adverse possession by the Parish Council, but it has not been of sufficient duration to support a possessory title. The planting of trees by parishioners does not, in my view, constitute adverse possession by the Parish Council.

In these circumstances I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 30th day of July 1976

Chief Commons Commissioner