

COMMONS REGISTRATION ACT 1965

Reference No.25/U/58

In the Matter of Felbrigg Green, Felbrigg, Erpingham R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as Felbrigg Green, Felbrigg, Erpingham Rural District being the land comprised in the Land Section of Register Unit No. VG. 24 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 Felbrigg Parish Council in a letter dated 10 March 1973 and sent to the Clerk of the Commons Commissioners claimed to be the freehold owner of the land in question and no other person claimed to be the owner 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 14 June 1973. The hearing was attended by Felbrigg Parish Council who were represented by Mrs. J. Jones their clerk.

The Green is a triangular piece of grass land, containing about one third of an acre, in the centre of the most built up part of the (rather scattered) Village. There is a War Memorial at the east end.

Mrs. Jones produced the Parish Council 1957 onwards Account Book and the Parish Council 1928-1969 Minute Book (they were then the Aylmerton-Jum-Felbrigg Parish Council) which showed that in 1965 the Council had been paid £2.14.0. by the Eastern Gas Board for permission to lay a gas main under the Green. Mrs. Jones also produced the Parish Council 1895-1928 Minute Book which showed that the Parish Council had been concerned with the well and water supply on the Green in 1895 and 1912.

The said 1928-69 Minute Book showed that the Parish Council had been concerned in 1945 with the public water tap on the Green, in 1949 with a concrete path there, and in 1953 with the state of the "No Parking" notice board.

Mr. C. D. Rash who is and has been a member of the Parish Council for about 25 years and vice-chairman for the last 10 years, gave evidence. He said that the Parish Council had arranged for the grass on the Green to be cut regularly, and that nobody had ever claimed to own the Green.

From the County Record Office was produced an Inclosure Award dated 8 May 1928 and made under the Felbrigg, Aylmerton, Metton, Sustead and Gresham Inclosure Act 1825 (6 Geo. 4 cap. clxxxvi). The Green was delineated on the plan annexed to the Award showing it much as now; on the plan the road north east of the Green was with the other roads in the Parish, thereon coloured brown.

Mrs. Jones contended that Nr. Ketton-Cremer, who until his recent death was Lord of the Manor of Felbrigg, had by signing as chairman of the Council, the Minute relating to the 1965 negotiations with the Eastern Gas Board about the gas main, showed that he did not as Lord of the Manor claim ownership of the Green.



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On the evidence outlined above I am satisfied that the Parish Council are in possession of the Green and that it is practically certain that such possession will not be disturbed; possession in such circumstances is equivalent to ownership. For this reason 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 Felbrigg 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

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day of

June

1973.

a.a. Baden Juller

Commons Commissioner