



COMMONS REGISTRATION ACT 1965

Reference Nos 28/U/4
28/U/5

In the Matter of (1) Land between Manor Wall and the Plough Inn and (2) land between the Rectory and Home Farm, both in Normanton-on-Soar, Rushcliffe Borough, Nottinghamshire

DECISION

These references relate to the question of the ownership of (1) land between Manor Wall and the Plough Inn and (2) land between the Rectory and Home Farm, both in Normanton-on-Soar, Rushcliffe Borough being the lands comprised in the Land Section of Register Unit (1) No CL. 41 and (2) No CL. 45 in the Register of Common Land maintained by the Nottinghamshire 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 ^{these} Normanton-on-Soar Parish Council claimed to be the owner of the lands in question, said that they had been known as Parish land since the Parish Award of 1771 and forwarded statements about them made by Mrs M F Buttery a senior citizen and former Parish Council clerk; and Mr L J Hellier of The Rectory and Mrs D M Hill of Home Farm provided information about the CL. 45 land. No other persons claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Nottingham on 25 January 1977. At the hearing Normanton-on-Soar Parish Council was represented by Mrs V M Tyler their clerk.

Mrs Tyler who has been clerk of the Council for about the last 30 years, having succeeded Mrs Buttery (now deceased) read her said statements and then gave oral evidence herself in the course of which she produced the Minute Books of the Parish Council from 4 December 1894 and from 13 December 1938, some 1970 correspondence between the Council and the Southwell Diocesan Dilapidations Board and some 1954 correspondence between the Council and the Basford Rural District Council. Oral evidence was also given by Mr C V Barrowcliff, who is now 80 years of age and who lived at Normanton-on-Soar until 1935 and afterwards at Sutton Bollington (about 2 miles away).

The lands comprised in these Register Units are strips leading from the Village Street to the Bank of the River Soar; they provide the only public access, other River lands being in private ownership. The evidence of Mrs Buttery, Mrs Tyler and Mr Barrowcliff was to the effect that these lands had always been regarded as Parish property under the control of the Parish Council and this evidence was confirmed by various entries in Minute Books to which Mrs Tyler referred me.



On this evidence I conclude that the Parish Council are the reputed owners in possession and that it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership. I am therefore satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Nottingham County Council as registration authority to register Normanton-on-Soar Parish Council as the owners 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 7th day of February — 1977

a. a. Barber Fuller

Commons Commissioner