



## COMMONS REGISTRATION ACT 1965

Reference Nos. 34/U/21  
34/U/22  
34/U/23  
34/U/25

In the Matters of (1) the Green, (2)  
land surrounding the War Memorial,  
(3) land at the junction of roads from  
Yoxford and Reckford Bridge, and (4)  
land near Reckford Bridge at the junction  
of the road from the Bridge with the  
track to the Common, all in Westleton,  
Suffolk Coastal D., Suffolk

DECISION

These references relate to the question of the ownership of (1) land known as The Green, (2) land surrounding the War Memorial in front of the School, (3) land at the junction of the roads from Yoxford and Reckford Bridge, and (4) land near Reckford Bridge at the junction of the road from the Bridge with the track to the Common, all in Westleton, Suffolk Coastal District (formerly Blyth ~~ing~~ Rural District) being the lands comprised in the Land Section of Register Units (1) No. VG.15, (2) No. VG.16, (3) No. VG.17 and (4) No. VG.19 in the Register of Town or Village Greens maintained by the Suffolk 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 no person claimed to be the freehold owner of the lands in question and no person claimed 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 Ipswich on 15 May 1974. At the hearing Westleton Parish Council were represented by Miss G. Houghton, one of their members. After the hearing, I inspected the lands.

The Green (VG.15) comprises 4 pieces, containing (according to the Register map) about 3 acres. The largest piece (about  $2\frac{1}{2}$  acres) is grass land sloping gently upward from the centre of the Village, having a pleasant appearance and providing a valuable amenity for those who reside near by, for other residents in the Village and for visitors; on it there is a lime tree planted to commemorate the Jubilee of H.M. King George 5 and a chestnut tree planted to commemorate the coronation of Her Majesty Queen Elizabeth 2; at the extreme northeast end there is a Village Sign (erected in 1963) incorporating part of Westleton Post Mill. The next largest piece comprises the Village Pond, some surrounding grass land and some land with lime trees and other trees on it and including a track which runs by the Methodist Church and joins two of the Village motor roads. The two remaining pieces are comparatively very small, one being a triangular piece of grass land and the other a small area at one corner of the cross roads in the centre of the Village.

The War Memorial land (VG.16) surrounds the War Memorial (enclosed by a low post and chain fence). On the north there is a building (dated 1842) which was formerly a school but is now used as a village hall; the building overlooks the land and there



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is on it a Jubilee Clock erected in 1887.

The road junction land (VG.17) comprises two pieces of grass land at a road junction near a building which was the Smithy (now used as a shed in conjunction with the garage on the opposite side of the road), and at the south west entrance to the Village.

The land (VG.19) near Reckford Bridge is a triangular piece (about a mile from the Village) situate where a bridle track from the Common joins the motor road which continues across Reckford Bridge. It comprises a small coppice, and some grass land on which there are some recently planted trees.

Miss Houghton said that the Parish Council could not offer any evidence of ownership; however she described the lands and provided me with the local knowledge necessary to understand the below mentioned documents.

Mr. J. W. Gibbs, Record Officer in the Suffolk County Records Office produced the Tithe map and the Tithe Award of the Parish of Westleton; the map shows the Pond on VG.15 much as it now is, and the other lands (VG.16, VG.17 and VG.19) and the rest of VG.15 in the same way as the roads without any distinction; in the Schedule to the Award the Pond is said to contain 0a. 1r. 38p. and the roads (including I suppose, the rest of the lands now in question) to contain 55a. 0r. 2p. Mr. Gibbs also produced the scheme dated 28 June 1915 (approved by the Board of Agriculture on 29 September 1915) and the Byelaws dated 3 January 1916 made by the Blything Rural District Council under the Commons Act 1899. In this scheme and in these byelaws the expression "the Common" is defined as: "the several pieces of land with the ponds, paths and roads thereon commonly known as Westleton Common and the Village Green and also the several pieces of land with the ponds paths and roads thereon situate (1) in front of the School and opposite the Crown Inn by the east entrance to the Church yard; (2) opposite the Smithy in the junction of the roads for Yoxford and Rackford Bridge; (3) to the south of the Smithy and at the junction of the roads to Reckford Bridge and the Common and (4) near Rackford Bridge at the junction of the roads from Rackford Bridge and the Common". Accordingly all these lands are regulated by a scheme under the Commons Act 1899 within the meaning of these words in subsection (5) of section 8 of the Act of 1965.

In the absence of any evidence to ownership, I am not satisfied that any person is the owner of any of these lands and I shall accordingly (when I have been informed whether the powers of management under Part 1 of the Commons Act 1899 (i) have or (ii) have not been delegated to the Parish Council) in pursuance of subsection (3) of section 8 of the Act of 1965 as amended by section 189(2) of the Local Government Act 1972 direct the Suffolk County Council as registration authority to register either (i) Westleton Parish Council or (ii) Suffolk Coastal District Council (as may be appropriate under the said subsection) as the owner of all these lands.

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 24<sup>th</sup> day of May 1974.

a. a. Baden Fuller