



COMMONS REGISTRATION ACT 1965

Reference No. 34/D/7

In the Matter of Ash Green
Campsey Ash, Suffolk Coastal D.

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.37 in the Register of Common Land maintained by the former East Suffolk County Council and is occasioned by Objection No. 67 made by Mr. E. B. Greenwell and noted in the Register on 30th September 1970.

I held a hearing for the purpose of inquiring into the dispute at Ipswich on 12th February 1975.

The hearing was attended by Mr. R. C. Starmer on behalf of the objector; Mrs. B. Oxborrow Vice Chairman of the Campsey Ash Parish Council and Mr. I. N. Whittaker, Solicitor for the Suffolk County Council.

Mr. Starmer on behalf of Mr. Greenwell stated that Mr. Greenwell owned part of the land in question and farmed the whole of the land which was ploughed by the War Agricultural Committee during World War II and has been arable land ever since.

Mr. Whittaker spoke of a Tithe Award dated 1830 which revealed that the land in question was not subject to tithes at that date and invited me to draw the inference that it was subject to rights of common at that date. I decline to draw this inference. In my view the probability is that the land was waste of the manor in 1830 and since the Lord of the Manor has disposed of the land prior to 1965 it did not qualify as common land on the ground that it was waste of the manor at the date of registration.

Mrs. Oxborrow was unable to give any evidence as to the exercise of common rights and it is clear beyond doubt that no such rights have been exercised since the land was de-requisitioned. Prior to the war the land was used by the parishioners as a common in the colloquial sense of that word, but such user was in my view attributable to the tolerance of the owner. In the absence of any evidence as to the existence or exercise of any rights of common I have no alternative but to refuse to confirm the registration.

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 as the High Court.

Dated this

24th

day of February 1975
C. A. J. H. K.
Commons Commissioner