



Reference No. 234/U/93

In the Matter of Church Green,
Brettenham, Babergh District,
Suffolk

DECISION

This reference relates to the question of the ownership of land known as Church Green, Brettenham, Babergh District being the land comprised in the Land Section of Register Unit No. VG 80 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 this reference Brettenham Parish Council said (their chairman's letter of 4 July 1969) that this land belongs to the parish of Brettenham but that to his regret he could give no further particulars. No other person claimed to be the freehold owner of the land in question 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 Ipswich on 3 October 1979. At the hearing Suffolk County Council as registration authority were represented by the Mr J W Gibbs and Mr I Rands of the County Secretary's Department.

According to the Register map the land is a small triangular piece surrounded by roads and situated at a road junction by St Mary's Church. Mr Gibbs said that on the Tithe map for the Parish (in the County Archives) the land is shown as highway without any distinction from the public roads which join there; the Tithe Award contains nothing about its ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Suffolk County Council as registration authority, to register Brettenham Parish Council as the owner of the land under section 8(3) 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 16th — day of October — 1979.

a. a. Baden Fuller

Commons Commissioner