



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/131

In the Matter of Church Square,
Holton St Mary, Babergh District,
Suffolk

DECISION

This reference relates to the question of the ownership of land known as Church Square, Holton St Mary, Babergh District being the land comprised in the Land Section of Register Unit No. VG 78 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 no person claimed to be the freehold owner of the land in question and no person claimed 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 Holton St Mary Parish Council were represented by Mr K G Webber their former chairman; and Suffolk County Council as registration authority were represented by Mr J W Gibbs and Mr I Rands of the County Secretary's Department.

According to the Register the land ("the Unit Land") in this Register Unit is OS No. 120, and marked on the Register map as containing 0.383 of an acre, as having a short frontage on the road through the Village (B1070) and as being next "School" and very near St Mary's Church.

Mr Webber said (in effect):- The house on the Register map marked "School" and the surrounding land (not part of the Unit Land) is now owned by himself and his wife Mrs Joan Elizabeth Webber; they bought about 6 years ago from the Church Commissioners and understood that their surrounding land was part of that known as Town Pightle. He and his wife made no claim to the ownership of the Unit Land, although they did claim (as noted on the Register) a right of way and other rights over it. He produced a paper (RGW/1) sent to him by Mrs Johnson as a copy of a document in her family archives (a former clerk of the Parish Council is of the same family); RGW/1 appears to be a copy of an old document itself a copy (perhaps made many years ago) of a letter: so far as relevant it reads (my copy does not include some letters and words to the right of the page):- "Rev,d. Sir. Having been desired to give my Sentiments about calling a meeting ... the Trustees for Holton School, & the Steps to be taken for carrying on the late Mr ... benevolent design of establishing a School there; I have perused the several Deeds and ... papers received from Mr Alston; And as a State of the property in Land and Mo ... belonging to the charity - and in whom vested - and upon what Trusts - was necessary ... proceeding in this enquiry & wanting, I made the following Extracts. Lands belonging to the Charity. No. 1 The School House erected upon part of the Waste Ground of the Manor of Holton ... Garden adjoining containing about ten perches Granted by the late Sr F Mannock ... Lease and Release dated 19th & 20th Septr. 1749 to twenty Lay Gentlemen therein named & th ... heirs & eight Clergymen therein named &



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their successors in trust for the Benefit of th ... charity School for which the premises are now used in Holton according to the Regulat ... of the same school - Which Lands are now become vested in the following Trustees by su ... vorship, Sr John Harold,"

Mr Webber further said:- The charity mentioned in RGW/1 still continues under the name Holton United Charity; the Parish Council appoint some of trustees and the Church appoint the others (he Mr Webber was one of the trustees). The Unit Land is separated from the road by a wooden post and iron rail fence, having a gap in it wide enough for a motor car; so it can be and is used as a local car park; there is a GPO telephone box on it. He understood that before the 1939-45 war, the Unit Land was used as a playground for children, particularly those at the School, but had not been used for this purpose after the School reverted to the Church Commissioners.

Mr Gibbs produced from the County Archives the Tithe Award and map dated 1839: this showed the Unit Land with much the same outline as it had on the Register map, save that in 1839 its road frontage was a little wider. On the Tithe map it was delineated without a number like the highways, save that it was not coloured. It was in the Award treated as not tithable.

Mr Webber said that a copy of RWG/1 had been sent to the Church Commissioners but no reply had yet been received. It seems to me that inquiries about the 1749 lease and release are unlikely to lead to any evidence about the present ownership of the Unit Land; the 10 perches mentioned in 1749 are so much larger than the 0.383 of an acre on the Register map. It may be that when the School was open the children used the Unit Land as a playground merely because it was a conveniently near public piece of land, and not because the Church Commissioners who were or may have been the then owners of the School also owned the Unit Land. On these considerations I see no good reason for adjourning the proceedings to enable the Church Commissioners, who have not yet made any claim, to produce evidence based either on the 1749 lease and release or on School use. On the information put before me I am unable to form any conclusion about the present ownership of the land; therefore I am not satisfied that any person is the owner, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Holton St Mary 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 2nd —

day of November — 1979

A. A. Bacon *A. A. Bacon*

Commons Commissioner