



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/17.

In the Matter of Hall Common & School Common
Tuddenham, Suffolk Coastal D.

This reference relates to the question of the ownership of land known as Hall Common and School Common, Tuddenham, Suffolk Coastal D, being the land comprised in the Land Section of Register Unit No. CL36 in the Register of Common Land 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 Tuddenham Parish Council claimed to be the freehold owner of the land in question and no other 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 Bury St. Edmunds on 3rd June 1975.

Mr. V.H. Dexter and Messrs Banks Ashton & Co., Solicitors for the Tuddenham Parish Council and Mr. Laird of Messrs. Partridge & Wilson Solicitors for A.M.M. Porter Developments Ltd appeared.

Dyrill Anthony Bradley the clerk to the Tuddenham Parish Council who has held that office for the past 15 years and who has been a member of the Council for an additional four years and who has been Chairman of the Council and lived in the area for 25 years gave evidence. He produced the Minutes of Meetings of the Council and its annual accounts. His evidence was to the effect that prior to application for Registration of these two commons as common land and of a nearby piece of land as a village green all three parcels of land were treated as one "green", in the ownership of the Council. For administrative reasons connected with car parking and the making of by-laws the land in question and the village green were not registered, as one village green. The Land registered as a village green has now been registered as being in the ownership of the Council. The evidence of Mr. Bradley and the minutes and accounts which he produced established that in the year 1950 and on all occasions subsequent to that year when a fair came to Tuddenham it was held on the "village green" and the land in question and the Council received rent in respect of such user. In addition the Council has paid for the cutting of the grass and planted and maintained trees on the land in question and paid for the services rendered.



Mr. Porter also gave evidence but since he has only resided in the area for the past three years his evidence did not have any great weight.

The receipt of rent and the acts of ownership on the land in my view establish a possessory title in the Council.

For these reasons I am satisfied that Tuddenham Parish Council is the owner of the land, and I shall accordingly direct the Suffolk County Council as registration authority, to register Tuddenham Parish Council as the owner of the land 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 6th day of June 1975.

C. A. Sefton
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Commons Commissioner.