



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/71

In the Matter of Knodishall Common (part),
Friston, Suffolk Coastal District, Suffolk

DECISION

This reference relates to the question of the ownership of a piece of land being part of or adjacent to that known as Knodishall Common, Friston, Suffolk Coastal District and being the land comprised in the Land Section of Register Unit No. CL 142 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 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 4 October 1979. At the hearing Mrs Edith Warner was represented by Mrs P F Morris solicitor with H T Argent & Son, Solicitor of Saxmundham.

The land ("the Unit Land") in this Register Unit has a frontage on the Coldfair Green to Slape Road of about 160 yards and a depth of about 125 yards and contains according to the Register map 0.243 acres. It is situated at the south corner of a very much larger area known as Knodishall Common. On the most recent OS map (1/2.500) the Unit Land is named "San Mateo". The registration was made in consequence of the application of Mr A E Paternoster for the registration of a right attached to Cosy Cot to take turf, firewood, sand and soil.

Mrs Morris in the course of her evidence produced: (1) a conveyance dated 24 September 1930 by which Mr F W Norman as personal representative of Mr Charles King (he died 11 July 1930) conveyed land together with a cottage and outhouses thereon to Mr A J Davidson; (2) a conveyance dated 15 May 1935 by which he conveyed the same premises (referentially described) to Mr John Warner; (3) an assent dated 1 February 1974 by which Mrs E Warner as personal representative of Mr J Warner (he died 23 November 1973 and letters of administration to his estate were granted to her on 23 January 1974) assented to the vesting in herself of the same premises; and (4) a statutory declaration made on 27 September 1979 by Mrs M D White who is now aged 70 years and who is the daughter of the said Mr and Mrs Warner. Mrs White said (in effect):- She well knew the Unit Land. Her mother now aged 90 years resided there. She remembered her father purchasing the property in 1935; he resided there with her mother until his death in 1973 and she has since resided there.

It may be that Mr Paternoster's registration was a mistake, and that the Unit Land should never have been registered under the 1965 Act at all. However this may be, on the evidence above summarised I am satisfied that Mrs Warner is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration



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authority, to register Mrs Edith Warner of San Mateo, Slape Road, Knodishall 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 ~~1st~~ — 2nd — day of November — 1979

a. a. Baden Fuller

Commons Commissioner