



COMMONS REGISTRATION ACT 1965

Reference No. 34/U/12

In the Matter of Levington Green,
Levington, Suffolk Coastal D.,
Suffolk

DECISION

This reference relates to the question of the ownership of land known as Levington Green, Levington, Suffolk Coastal District being the land comprised in the Land Section of Register Unit No. VG.2 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 Levington and Stratton Hall Parish Council claimed ownership of the land in question; no other person claimed to be the freehold owner of the land 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 14 May 1974. At the hearing Levington and Stratton Hall Parish Council were represented by Mr. E. H. Moore their clerk and Mr. F. P. Allerton their vicechairman and treasurer.

Mr. Moore who has lived in the Parish for about 3½ years and been clerk of the Parish Council for the last 8 months gave evidence. After the hearing I inspected the land.

The land comprised in this Register Unit is a small (its sides according to the Register map, measure 28 feet 6 inches, 24 feet and 22 feet 6 inches) piece of grass land on the south side of the road junction in the centre of the Village. It is about a foot above the level of the adjoining road (there is a low attractive looking retaining wall in York stone). On it there is a crab apple tree and a gun about 6 feet long mounted on wood blocks. The sign post is on the other side of the road.

Mr. Moore produced the Minute Book of the Parish Council from 14 November 1957 to 10 February 1969, from which it appeared that in 1960 the Council were concerned with the state of the land (in the Minutes called the Village Green), and that after discussions at various meetings, works were done in 1963 which cost the Parish Council £77-15-0.

Mr. Moore said (in effect):- Before the 1963 works were done, the land was a triangle of rough grass with a signpost in the middle; he produced a photograph which he understood had been taken in 1962 or 1963 showing what it then looked like; there was then no curb or wall to prevent motor vehicles being driven over, or being parked on, i. The gun was given to the Village in 1968 by Mr. P. Ravenshear, the then chairman of the Parish Council, and Mr. C. C. Smith, the then vicechairman (now the chairman) of the Parish Council, and they had paid for the cost of mounting the gun on wood blocks as it now is; he understood that the gun was a naval trophy brought to the Village



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either by Admiral Vernon* or Admiral Broke* who lived respectively at Orwell Park and Broke Hall (large houses near the Village). The grass on the land is now mown voluntarily by arrangement with the Parish Council.

I am required by the 1965 Act to consider the present ownership claim of the Parish Council under subsection (2) of section 8; if I am "satisfied" as to their ownership, I am by the subsection required to direct that they be registered as owners. In considering the cogency of the evidence offered, I can I think bear in mind that under subsection (3) of section 8, if I am not satisfied that any person is the owner of the land, I am required to direct that the Parish Council be registered as owners. So in the particular circumstances of this case the Parish Council are the only possible opponents of their claim, and it maybe that it is of little practical consequence whether I am, or am not satisfied as to their ownership.

In my view the evidence outlined above shows that the Parish Council are and have been at least since 1963 in possession of the land. Having regard to its present appearance its position in the Village and its small size, it is I think practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Levington and Stratton Hall Parish Council as the owners 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 23rd day of May 1974.

a. a. Baden Fuller

Commons Commissioner

* Being, I suppose, those distinguished sailors who lived (according to the Dictionary of National Biography) from 1684 to 1757 and from 1776 to 1841.