



COMMONS REGISTRATION ACT 1965

Reference No.34/D/3

In the Matter of Low Street Green,  
Hoxne, East Suffolk.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.42 in the Register of Town or Village Greens maintained by the East Suffolk County Council and is occasioned by Objection No.46 made by the County Council and noted in the Register on 30th September 1970.

I held a hearing for the purpose of inquiring into the dispute at Ipswich on 3rd May 1973. The hearing was attended by Mr. W.J. Church, solicitor, on behalf of the County Council. There was no appearance on behalf of the Hoxne Parish Council, which applied for the registration.

The land the subject of this reference is triangular in shape and is bounded by highways on all three sides. The Objection relates to only part of the land, namely a narrow strip and a lay-by on the western side and a 14 ft wide strip across the northern part.

During the year 1967 the County Council, with the agreement of the Parish Council, carried out works to improve Low Street Green. The road on the eastern side, which served the village stores and the post office, was only 8 ft wide. This was converted into a footpath, and to serve the needs of those using vehicles to visit the shop and the post office an 8 ft wide lay-by was cut into the western side of the Green, which adjoins the Class III road c.117. In addition two new 14 ft wide roads were constructed across the Green and all the other tracks across it were cultivated and seeded with grass. The northernmost of these two roads is included in the Objection, but the southernmost, which is very short, is not - perhaps by an oversight.

Apart from the statutory declaration made in support of the application for the registration there is no evidence that this land falls within the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965. The work which was done by the County Council was inconsistent with there being any right in the inhabitants of the locality to indulge in sports and pastimes over the land on which the work was done, and it did not give rise to any protest. In these circumstances I must assume that the County Council was acting lawfully in doing the work and that it did not interfere with the enjoyment of any rights of the inhabitants of the locality, but since the Objection only relates to part of the land in the Register Unit, I confirm the registration with the following modification:- namely the exclusion of the area of land coloured red and arrowed on the plan accompanying the Objection.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as



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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 **18th** day of May 1973

A handwritten signature in black ink, appearing to read 'C. J. Quibb', written over a horizontal line.

Chief Commons Commissioner