



Reference No: 234/U/67

In the Matter of Metfield Common (part),
Metfield, Mid Suffolk District, Suffolk

DECISION

This reference relates to the question of the ownership of land being part (Numbered 23 on the OS map) of that known as Metfield Common, Metfield, Mid Suffolk District and being the land comprised in the Land Section of Register Unit No. CL 126 in the Register of Common Lane 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 Mr F W Watts claimed to be the owner of the land in question; no other person claimed to be the freehold owner 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 2 October 1979. At the hearing Mr Frederick William Watts was represented by Mr R T Baker who is a local secretary (Halesworth branch) of the National Farmers Union, and Suffolk County Council as registration authority were represented by Mr J W Gibbs and Mr I Rands of the County Secretary's Department.

The land ("the Unit Land") according to the OS map mentioned in the Register contains 0.736 of an acre. Mr Rands said that a much larger area which adjoins the Unit Land on the north and which is known as Metfield Common has been registered under the 1965 Act as common land (Register Unit No. CL 63), and of it Mr Taylor has been registered (finally) as owner. The Unit Land was registered as common land in consequence of an application for the registration (never disputed and now final) of a right to graze over it and the CL 63 land.

Mr Baker in the course of his evidence produced a conveyance dated 23 October 1917 by which Sir R Shafto Adair, Baronet, with the concurrence of trustees conveyed to Mr Charles Henry Watts "the Common Farm" containing 78 a. 2 r. 34 p. as described in the Schedule and delineated on the annexed map; in this Schedule and on this map OS No. 23 is included in the Farm as "arable", 0 a. 2 r. 25 p. He also produced 3 conveyances dated 15 August 1919, 9 January 1922 and 2 February 1950 by which the farm was conveyed by the personal representatives of Mr C H Watts (he died 8 October 1919) to Mr Maurice William Watts, and then to Mr Frederick Charles Watts and then to Mr F W Watts ("the Claimant"); each of these conveyances was by reference to the 1917 conveyance, and the 1919 and 1922 conveyances expressly included OS No. 23: "arable", "-.2.25".

Mr Baker after explaining why the claimant was unable to be present in person, said (in effect):- He had known Common Farm for 5 years. The Unit Land had always been part of it: rough grass (not arable). The land to the north which he knew as Metfield Common (on the 1917 conveyance map called "Metfield Green"), is distinct from the Unit Land being separated from it by a high hedge (there is a gate through this hedge giving access to the Common); there is also a main drain (wide ditch) separating the Unit Land from Metfield Common. He understood that much of the Common and some of the Common Farm had during the 1939-45 war been used as an air-field, and this might perhaps explain how the Unit Land had been included with Metfield Common in the right application above mentioned.



On this evidence I am satisfied that the Claimant is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Mr Frederick William Watts of Common Farm, Metfield, Harleston, Norfolk.

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 16th — day of October — 1979.

a. a. Baden Fuller

Commons Commissioner