



In the Matter of Piece of land to the West  
of the A134 road adjoining Allotment  
Gardens, Long Melford

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DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 104 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 claims to ownership of the land in question were made by (1) Sir Richard Hyde Parker (2) the Administrators of the estate of C D B Starkie Bence.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Ipswich on 14 December 1982.

At the hearing Mr C W Gooch of the firm of Savills, Estate Agents, represented the Trustees of Sir Richard Hyde Parker: and Mr J Warren, Solicitor, appeared on behalf of Anne Margaret Ross, the survivor of the two Administrators.

The land comprised in CL 104 consists of the strips or verges along both sides of the roadway leading from Long Melford to Bridge Street. With one exception, ownership of all these strips was registered in the ownership of Sir Richard Hyde Parker: originally, in 1970, all the strips were registered in his ownership but in 1971 this was amended on his request so as to exclude one strip. This is the strip on the western side of the roadway, adjoining a piece of land shown on the Register map as 'Allots' and on the current OS Map as 'Allotment Gardens'. I will refer to this piece of land as 'the Allotments'. The strip is the one part of CL 104 of which there is no registered owner, and the ownership of which is the subject of this Inquiry.

In support of Miss Ross's claim to ownership of the strip, I was shown an Abstract of Title to property at Long Melford. The Abstract is not certified as an examined Abstract nor were any of the documents comprised in it produced, and accordingly is of little probative value: on the face of it, it shows title in Miss Ross as surviving administrator of the estate of C D B Starkie Bence (who died in 1969), to property, which included the Allotments. These are shown on a plan attached to the Abstract (apparently the plan on a Vesting Deed of 5 February 1929). I did not find it possible to ascertain satisfactorily from an examination of the plan whether or not it included the strip which is on the eastern boundary of the Allotments and on the western side of the roadway. There was no evidence adduced of acts of ownership by Miss Ross or her predecessors in title in respect of the strip: and on the evidence I am not satisfied that Miss Ross is the owner.

Mr Gooch told me that the claim of his clients was based on their lordship of the manor and the fact that this was waste land of the manor. A summary of the documents and events relating to the title to the Manors of Long Melford and Kentwell was produced, apparently prepared by the Solicitors acting for the Trustees of the Hyde Parker Settled Estate, from which it appeared that the



Manors vested in Sir William Stephen Hyde Parker who died in 1951, probate of his Will being granted to two Executors. In 1956 there was an Order of the Court appointing the Royal Bank of Scotland Judicial Trustee of the Will in substitution for the two Executors. The Summary ends with the statement that the Bank remains the owner in fee simple of the Lordships and Manors.

In the absence of any supporting documents, the Summary has no probative value. Nor was any evidence adduced to show of which manor the strip was waste land, and on the evidence I am not satisfied that Mr Cooch's clients, or any person, owns the strip. It will accordingly remain subject to protection under section 9 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

1 February

1983

*H. J. Morris Smith*

Commons Commissioner