



COMMONS REGISTRATION ACT 1965

Reference No 234/D/61 and 62

In the Matter of Shelland Green,
Shelland, Mid Suffolk D

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No VG. 71 in the Register of Town or Village Greens maintained by the former East Suffolk County Council and are occasioned by Objection No 11 made by Mrs D Harvey and noted in the Register on 22 May 1970 and Objection No 18 made by J P Jewers and noted in the Register on 17 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Ipswich on 27 October 1976. The hearing was attended by Mr Rundle of Messrs Partridge & Wilson on behalf of Mrs Harvey and by Mr J P M Prentice of Messrs Gudgeons Peacock & Prentice on behalf of Mr Jewers. The land was registered as a village green by Gipping Rural District Council and the successor to that Council is the Mid Suffolk District Council which did not appear. Mr Rundle called as a witness Mr W E Rowe who has farmed Rockylls Hall Farm as a tenant since 1936 that farm being now in the ownership of Mrs Harvey. He had fenced part of it and executed substantial drainage works on the part of the land in question north of the church which is part of Rockylls Hall Farm. He had never seen any inhabitants indulging in lawful sports and pastimes on the land farmed by him.

Mr Prentice called as a witness Mr Jewers who said the part of the land in question south of the church was part of Hill Farm, which was owned when he was born there in 1912 by his father. He left in 1943 and returned on his father's death in 1954 and now owns Hill Farm. He remembers quoits being played on a small part of the land in question opposite the "pub" but that practice ceased in or about 1920 when the "pub" closed. Since then there has been no recreational activity on the land. In the absence of the Mid Suffolk District Council I thought it right to ascertain the factual situation and in the light of the evidence mentioned above I am satisfied that I must refuse to confirm the registration. Mr Rundle and Mr Prentice asked for costs. In my view if the Mid Suffolk District Council did not intend to appear and support the registration it should when it received notice of the hearing have notified the Objectors who would not then have been put to the trouble and expense of a hearing. In these circumstances I award Mrs Harvey and Mr Jewers their costs of and incidental to their representation and attendances at the hearing on Scale 4.

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 12th day of November

1976

C. A. Settle

Commons Commissioner