



COMMONS REGISTRATION ACT 1965

Reference No 234/4/5

In the Matter of The Common,
Tunstall, Suffolk Coastal D

DECISION

This reference relates to the question of the ownership of land known as The Common, Tunstall, Suffolk Coastal D being the land comprised in the Land Section of Register Unit No CL. 108 in the Register of Common Land maintained by the former East 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 M P Bugg claimed to be the freehold owner of part of the land in question and no other person claimed 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 28 October 1976.

Mr N J Friend a member of the Parish Council appeared on its behalf. Mr J McCreery of Messrs Cross & Cartel appeared for Mr M P Bugg and Mr M P Bugg and his father W V Bugg gave evidence.

Mr W V Bugg was a part time Minister at the Baptist Church in Tunstall and came to reside in the Manse in April 1943, and he also carried on business as a builder and he used the part of the land in question which Mr M P Bugg now claims for the purposes of his builders business and erected thereon a workshop and a shed and used the remainder of the land for the storage of materials used in his builders business. Mr W J Bugg retired from his builders business and Mr W V Bugg is now the owner of that business as the successor to his father. Mr W V Bugg and Mr M P Bugg both stated that there had been no objection by any person to their use of the land claimed. The land claimed by Mr M P Bugg is the rectangle ABCD identified on the plan annexed to this decision, the boundaries being the footpaths AD, AB and CD including the path AB but excluding the paths AD and CD and the line BC the point B being opposite the gate to the burial ground.

Mr Friend on behalf of the Parish Council accepted that Mr Bugg was the owner of the land claimed by him and had no information as to the ownership of the remainder of the land in question.

On this evidence I am satisfied that Mr M P Bugg is the owner of the rectangular piece of land ABCD on the said plan and I shall accordingly direct the Suffolk County Council, as registration authority, to register Mr M P Bugg as the owner of the land under section 3(2) of the Act of 1965. In the absence of any evidence as to its ownership the remainder of the land will remain subject to protection under section 9 of the Act of 1965.



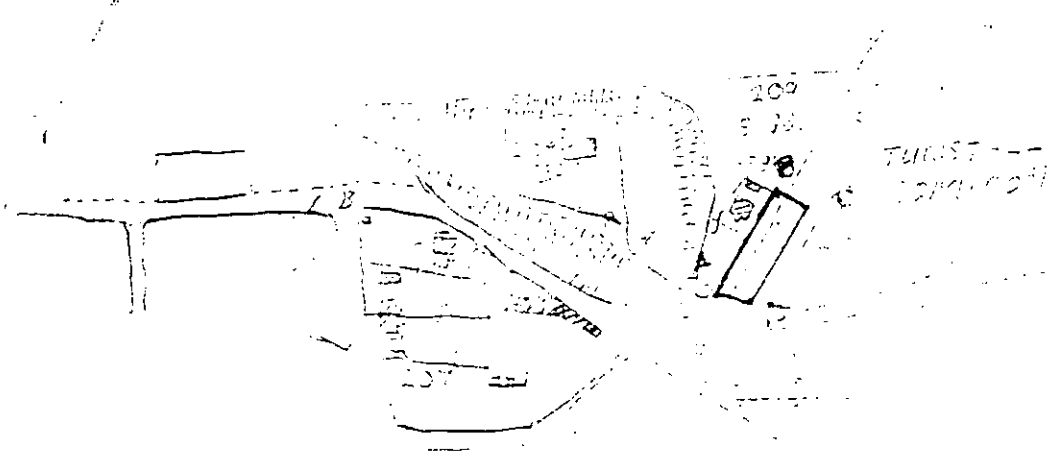
I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 21st day of February

1977

L. A. Little

Commons Commissioner



2. ...
 ...

This is the plan marked "M.P.B.1."
 referred to in the Affidavit of Michael
 Philip Bugg sworn before me this . 15th . . .
 day of . . . *October* . . . 1976

Rephur
 Commissioner for Paths/Sols