



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/48

In the Matter of The First Meadow in  
Brent Eleigh Road, Lavenham,  
Babergh District, Suffolk

DECISION

This reference relates to the question of the ownership of land known as The First Meadow in Brent Eleigh Road, Lavenham, Babergh District being the land comprised in the Land Section of Register Unit No. CL 21 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 no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

Mr Commissioner C A Settle QC held a hearing for the purpose of inquiring into the question of the ownership of the land at Ipswich on 12 January 1979. There was no appearance at the hearing, and his decision dated 16 February 1979 was shortly afterwards sent to (among others) Lavenham Parish Council.

In June 1979 on the application of Lavenham Parish Council, Mr Commissioner Settle directed that his decision be withdrawn and the hearing reopened. I held a hearing for the purpose of inquiring into the question of the ownership of the land at Ipswich on 3 October 1979. At the hearing Lavenham Parish Council were represented by Mr A G Foster Solicitor of Steed & Steed, Solicitors of Sudbury.

The land ("the Unit Land") in this Register Unit is the north and greater part (perhaps 7/8ths of the whole) of OS No. 259. In the Rights Section there is a registration (made on the application of Mr C F Steed) of a right attached to the Prior Farm and to the Glebe Farm to graze 5 head of cattle, and this right being undisputed has become final.

Mr Foster in the course of his evidence produced: (1) a conveyance dated 23 September 19 by which Rev H Kennedy and others as trustees of the Edward Coleman Charity pursuant to an order dated 6 July 1937 and made by the Charity Commissioner, and on behalf of the Official Trustee of Charity Lands conveyed to Mr H C Steed land in Lavenham containing 3a. 2r. 27p. and being OS No. 259, as coloured pink on the plan annexed; and (2) a conveyance dated 2 September 1940 by which Mr H C Steed being desirous of conveying the said 1937 conveyance land to the Parish Council for the purpose of a recreation ground for the benefit of the inhabitants of Lavenham subject to certain commonable rights over part thereof thereinbefore mentioned, conveyed the same accordingly.

Mr Foster who knew the Unit Land said it is used as a recreation ground; it has a child play ground on it with climbing frames and adventure equipment.



Miss K Ransom who has lived in the parish all her life (61 years), been a member of the Parish Council for the last 18 years and is and has been for the last 2½ years their chairman, said (in effect):- the land (OS No. 259) was in 1940 bought with money from the sale of Washmere Green (just outside Lavenham); only part of the land (OS No. 259) is subject to rights of common because Washmere Green is smaller and the commonable right formerly over Washmere Green only extends over part. The Parish Council look after the Unit Land; the clerk and she as chairman go there regularly; the Council pay for the upkeep and the inspection of the adventure and other play equipment there.

On this evidence I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Lavenham Parish Council as the owner of the land under section 3(2) 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 22<sup>nd</sup> — day of October 1979

*a. a. Baden Fuller*

Commons Commissioner