



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/72

In the Matter of The Pound,
Kettleburgh, Suffolk Coastal District,
Suffolk.

DECISION

This reference relates to the question of the ownership of land known as The Pound, Kettleburgh, Suffolk Coastal District being the land comprised in the Land Section of Register Unit No. CL 145 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Ipswich on 4 October 1979. At the hearing Kettleburgh Parish Council were represented by Mr R H Taylor their chairman.

The land ("the Unit Land") in this Register Unit is north of the road which crosses the River Deben at Kettleburgh Bridge; it is bounded on the southeast by the said road, on the northeast by the road or track which leads past Watermill Cottages (they overlook the Unit Land) to Watermill House (on the site of the Old Cornmill). The River is (or was before it was straightened) the west boundary of the Unit Land. The Unit Land contains (as I estimate from the Register map) about 1/6th of an acre or a little more. On an OS map produced there is marked on it a small circle "Pound".

Mr Taylow who was born in the Parish in 1932, has known the Unit Land all his life and been a member of the Parish Council since about 1960 and their chairman since 1965, in the course of his evidence produced: (1) a letter dated 1 October 1979 from Mr Whymark of Bridge Farm (he moved to Kettleburgh in 1941), (2) Pocket History of Suffolk Parishes which includes (No. 235) Kettleburgh and shows a picture of the Mill Stream with the Cornmill in the background (the Unit Land was then quite overgrown with scrub and rough vegetation), and (3) a typewritten statement dated October 1974 entitled: "Re: Kettleburgh Bridge: a case for a Preservation Order", illustrated with 6 coloured photographs and prepared by Mr Brown who lives and owns Watermill House.

Mr Whymark said (in effect):- When he moved to Kettleburgh, parts of the Pound were still standing; it was used in earlier years for housing stray cattle and in later years for faggots and rubbish. He was responsible for clearing the rubbish (23 tumble loads) to fill in a sandpit on his land which is opposite the Pound.

Mr Taylor said (in effect):- The Unit Land has always belonged to the Parish. Mr Brown with the permission of the Parish Council has tidied it up, and improved it (he put up the post and low chain fence between it and the track).



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Mr Brown in his statement says:- Of the Pound "Rubbish was formerly dumped and cars parked on this pound but it is now properly maintained under the auspices of the Kettleburgh Parish Council and car parking space provided behind Watermill Cottages. Plans have been agreed with the Electricity Council for the removal of the power line post and trees have been recently planted by the County Council". And of the whole area: "The whole site is a notable example of the beauty of Suffolk and the Bridge and the Parish Pound are the key to it". Three of the said photographs show the Unit Land as it was in 1974 and as it still is.

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 Kettleburgh Parish Council as the owner of the land under section 8(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 2nd — day of November — 1979

A. A. Bacon Fuller

Commons Commissioner