



COMMONS REGISTRATION ACT 1965

Reference Nos. 34/U/14
34/U/17
34/U/19
34/U/30
34/U/31

In the Matters of (1) the Village Green, (2) Weir Pond, (3) land at junction of Lower Street and Woodbridge Road to the east of Half Moon Public House, (4) Dog Green and (5) land near the Baptist Chapel, all in Grundisburgh, Suffolk Coastal D., Suffolk.

DECISION

These references relate to the question of the ownership of (1) the Village Green numbered 307 (part) on the O.S. map (1972 edition), (2) the land known as Weir Pond opposite the entrance to the Rectory numbered 329 (part) on the said map, (3) land unnamed and lying at the junction of Lower Street and Woodbridge Road to the east of the Half Moon Public House numbered 384 (part) on the said map, (4) land known as Dog Green and (5) land near the Baptist Chapel numbered 69 (part) on the said map, all in Grundisburgh, Suffolk Coastal District (formerly Deben Rural District) being the lands comprised in the Land Section of Register Units (1) No.VG.8, (2) No.VG.9, (3) No.VG.10, (4) No.VG.25 and (5) No.VG.26 respectively in the Register of Town or Village Greens 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 these references the Rt. Hon. Philip Bertram Baron Cranworth (in a letter dated 16 May 1973 from his solicitor) claimed ownership of all the lands in question. No other person claimed to be the freehold owner of any of the lands or to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Ipswich on 15 May 1974 and at London on 17 June 1974. At the first hearings (1) Lord Cranworth was represented by his solicitor Mr. J.P. Roche of Millbank, London, (2) Grundisburgh Parish Council were represented by Mr. H. C.D. Lock, their chairman, and (3) Tollemache and Cobbold Breweries Limited were represented by Mr. D. Jessup, a surveyor in their employ (accompanied by Mr. Rodden, tenant of the Dog Inn which adjoins Dog Green, VG.25). At the conclusion of the first hearings, I adjourned the proceedings to London to enable further evidence to be adduced on behalf of Lord Cranworth, and afterwards on the same day, I inspected the lands, it having been agreed that I might do so unattended. At the hearings in London, Lord Cranworth was represented by Mr. Roche.



The Village Green ('the VG.8 land') which contains (as I estimate from the O.S. map) a little over half an acre, is an open space in the centre of the Village (south of St. Mary's Church and the School): for the most part grass land; a small stream (by which there is a willow) crosses it. There is a Village Sign - a brightly painted copy of the Garter Banner of the Second Baron Cranworth (he died on 4 January 1964), and a seat. The general appearance of the VG.8 land is attractive, obviously a valuable amenity, not only for those who live nearby, but also for the Village generally.

The Dog Green, ('the VG.25 land') is (as registered) a semi-circular piece of land a short distance east of the VG.8 land between the road and the Dog Inn. There are now between the road and the Dog Inn several pieces of land appearing to be roads or tracks, parking places, and amenity grass land: such grass land does not correspond exactly with the VG.25 land as delineated on the Register map. I understand that recently some land in front of the Dog Inn has at the cost of the owner been re-grassed with the help and advice of the County Council; so under this informal arrangement the area of grass land in front of the Inn, which by the registration it was intended to preserve, has for the convenience of local users been partially re-sited.

The Weir-Pond ('the VG.9 land') is a few yards further to the east at the entrance to the Village. It is (apart from access tracks to buildings and lands on the west and some attractive trees) all grass land. The pond from which it takes its name has been filled in.

Mr. Roche, in the course of his evidence, produced an agreement dated 7 October 1965 between Lord Cranworth and the Parish Council, by which after the following recitals:- "Lord Cranworth is the tenant for life of the Grundisburgh Estate under the Settled Land Act 1925, and in that capacity he is Lord of the Manor of Grundisburgh ... and claims right and jurisdiction over the village green of Grundisburgh and over the weir pond and its surrounding land. For the benefit of the inhabitants of Grundisburgh and of the general public, it has been agreed that the said Village green and Weir Pond shall be placed under the control of the Council", it was agreed (in effect) that Lord Cranworth let the premises to the Council upon a yearly tenancy (terminable by either party on six months' notice) at a nominal rent of one shilling.

Mr. Roche also produced a statutory declaration made by Mr. A.R. Burch. He lived in the Parish from 1904 to 1964; from 1932 until 1961 he owned a shop between the VG.8 land and the VG.25 land from which he carried on the business of a master butcher; for at least twenty years, he served as a member of the Parish Council, and for ten of those years he was chairman; for six years he was a member of the Rural District Council. He declared in effect that in the foregoing circumstances, he formed the belief that the VG.8 land, the VG.25 land and the VG.9 land were under the control of the Cranworth family who have lived at Grundisburgh Hall, and that the present Lord Cranworth had always assumed this control without objection.



Mr. Lock, who has been a member of the Parish Council and lived in the Parish for the last twelve years, said (in effect):- It was understood that these greens (the VG.8 land, VG.25 land and VG.9 land) belonged to Lord Cranworth as Lord of the Manor. The 1965 Agreement had merely put in writing what had been assumed to be the position. The Parish Council had always looked after the Greens. The Village had been entered for the Best Kept Suffolk Village Competition.

The land ('the VG.10 land') to the east of the Half Moon Public House is a small piece of open land in or near the east end of the Village at the point where a lane leading to three derelict cottages joins one of the main roads to the Village (B. 1079 from Woodbridge). It is for the most part grass land.

The land near the Baptist Chapel ('the VG.26 land') is a small triangular piece of land on the south side and some distance from and at one of the entrances to the Village. There is a seat commemorating the 1937 Coronation of HM King George VI situated on it.

Mr. Roche contended that, although he could not show any regular acts of ownership by Lord Cranworth in respect of the VG. 10 land or the VG.26 land, I should conclude that they are within the Manor of Grundisburgh and accordingly belong to Lord Cranworth in the same way as the VG. 8 land, the VG.25 land and the VG.9 land.

Mr. Lock said, that until the question of registration under the 1965 Act had been brought to the notice of the Parish Council, these two pieces of land were not taken into account by the Parish at all. However, the Council felt ~~it~~ had an obligation to register them notwithstanding the fact that they were small and insignificant, because they felt, that by doing so, they would be complying with the law.

At the second hearings, Mr. Roche produced (1) probate of the will of R.T. Lord Cranworth (1st Baron; he died on 13 October 1902) containing a general devise of all his real estate to his son B.F. Gurdon (subsequently second Baron) during his life, and after his death to his first and other sons successively in tail male; (2) a vesting deed dated 13 July 1926 in favour of B.F. Lord Cranworth (2nd Baron) of all land devised by the said will (3) probate of the will of R.B. Gurdon (son of 2nd Baron) as evidence of his death on 13 July 1942; (4) probate limited to settled land of the will of B.F. Lord Cranworth (2nd Baron) granted to A.V. Agar-Robartes and D.J. Robartes and (5) a vesting assent dated 2 June 1965 in favour of Lord Cranworth (3rd Baron), of lands in Grundisburgh and elsewhere containing 1553.116 acres as delineated on the plan annexed. None of the lands in question in these proceedings are included in the lands described in the 1965 assent or delineated on the plan annexed to it.

Although the Lordship of the Manor of Grundisburgh is not mentioned particular in any of the documents of title produced at the second hearings, in my opinion, they show that the Manor (being an incorporeal hereditament, it could not be delineated on the 1965 plan) assuming that it was vested in the 1st Baron, passed under the general devise in his will successively to the 2nd Baron and through his executors to Lord Cranworth (the 3rd Baron).

Mr. Roche produced



a letter suggesting that it is the custom in this Manor that the youngest son inherits; quite apart from the difficulty of applying any such custom to the Manor itself (as distinct from the land held of the Manor) it could not, I think, be applicable, where, as in this case, the Manor has been devised.

On the documents produced and the information given to me as outlined above, I conclude that the Manor has been in the ownership of successive Barons Cranworth and that the VG.8 land, VG. 25 land and VG.9 land have for many years been known as or reputed to be part of it. For this reason I am satisfied that Lord Cranworth is and notwithstanding they are not mentioned in the 1965 assent, the owner of the said lands, and I shall accordingly direct Suffolk County Council, as registration authority to register the Right Honourable Philip Bertram, Baron Cranworth as the owner of the lands comprised in Register Units Nos. VG.8, VG.9 and VG.25 under the section 8 (2) of the Act of 1965.

I decline to conclude that the VG.10 land and the VG.26 land are, merely because they are in Grundisburgh, within the Manor of Grundisburgh as owned by Lord Cranworth. In the absence of any evidence (in my view I have none) that these lands were ever known as or reputed to be part of the Manor I am not satisfied that he, or any other person is the owner of such lands, and I shall accordingly direct the Suffolk County Council as registration authority to register Grundisburgh Parish Council as the owner of the lands comprised in the Register Unit Nos. VG.10 and VG.26 under the section 8 (3) 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 six weeks from the date on which notice of this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 11th day of July 1974.

a. a. Baden Fuller

Commons Commissioner