



In the Matter of Tye Green, Alpheton,  
Bahergh D

DECISION

This reference relates to the question of the ownership of land known as Tye Green, Alpheton, Bahergh D being the land comprised in the Land Section of Register Unit No. CL 73 in the Register of Common Land maintained by the former West 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 Alpheton Parish Council claimed to be the freehold owner 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 12 January 1979.

Mr H B Walrond of Messrs Partridge & Wilson appeared for the Parish Council.

Mr A H Morris who has been a member of the Parish Council since 1970 and chairman since 1972, gave evidence and produced a series of licenses, the earliest dated 28 November 1951 made between the respective owners for the time being of the Jacqueline Service Station and Cafe, licensing them to occupy a strip of the land in question of a width of about 20ft which has been made into hard standing for the purposes of such occupation as regards the remainder of the land, the total area of which is less than  $\frac{1}{2}$  an acre, Mr Morris said that his Council had arranged for local farmers to cut the grass - one such farmer being Mr Alston the husband of Mrs Alston, a former chairman of the Council.

While in my view the mere cutting of grass does not necessarily constitute an act of ownership adverse to the true owner I am of opinion that in the instant case, taking the said licenses into account the Council have occupied the land to the exclusion of the owner since 1954 and on this evidence I am satisfied that Alpheton Parish Council is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Alpheton 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

12<sup>th</sup>

day of

February

1979

*U. F. Little*  
Commons Commissioner