



Reference Nos: 234/U/52
234/U/53
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In the Matter of (1) The Village Green,
(2) Folly Green, and (3) the Recreation
Allotment, Haughley, Mid Suffolk District
Suffolk

DECISION

These references relate to the question of the ownership of lands known as (1) the Village Green, (2) Folly Green, and (3) the Recreation Allotment, Haughley, Mid Suffolk District being the lands comprised in the Land Section of Register Unit (1) No. VG 55, No VG 65 and No VG 66 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 this reference Haughley Parish Council claimed (letters of 20 April and 2 May 1979 from their solicitors) ownership of the Recreation Allotment under the below mentioned 1853 Award and 1907 Scheme. No other person claimed to be the freehold owner of the lands in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Ipswich on 2 October 1979. At the hearing Haughley Parish Council (the VG 55 registration was made on their application) were represented by Mr M D Thorpe, solicitor of Bankes Ashton & Co., Solicitors of Bury St Edmunds.

Mr J W Gibbs of the Suffolk County Council, County Secretary's Department produced from the County Archives a Public Record Office copy of the Haughley Green Inclosure Award dated 16 August 1853, and the map (being an original or copy of that therein referred to. The Award contains the following allotment:- "And I further declare that I have set out and do hereby set out allot and award unto the Churchwardens and Overseers of the poor for the time being of the Parish of Haughley the village green numbers 101 and containing 2 acres 5 roods and 22 perches and also the pieces or parcels of land as follows that is to say -

Nos on Map	Contents a. r. p.	Fences to be maintained by the said Churchwardens and Overseers
21	4. 2. 4.	East and West sides.
94	" . 14.	No fences.
	<u>4. 2. 18.</u>	

to be held by them and their successors in trust as places for exercises and recreation for the Inhabitants of the said Parish and Neighbourhood".

Mr A J Prigg who has lived in the Parish for 15 years and been a member of the Parish Council for the last 6 years (now and for the last 3 years their chairman), identified the Village Green (VG 55), Folly Green (VG 65), and the Recreation Allotment (VG 66) with the pieces of land marked 101, 94 and 21 on the 1853 map. He said (in effect):-



Within living memory these lands have always been accepted locally as being in the ownership of the Parish. The Village Green (VG 55) is in the middle of the village and the Parish Council have looked after it, placed seats on it, planted trees there, and kept the old Parish Pump in good condition. A small part of the Recreation Allotment (VG 66) has on it play equipment for children; the rest (of some interest to botanists) is left rough and the herbage has been regularly sold; it is a little to the north of the Village and not used recreationally by adults because for them there is another recreation ground of about 6 acres more conveniently situated. Folley Green (VG 65) is a small grass traffic island at a road junction.

Mr Thorpe produced a scheme dated 26 April 1907 and made by the Charity Commissioners which treated the Parish Council as trustee under the 1853 Award of the 3 pieces of land allotted under Nos 101, 21 and 94 as above stated, and gave them certain powers as to the rents received and the future letting.

Mr Gibbs mentioned that the Tithe map was available, but it was not (being earlier than the Award) relied on by the Parish Council.

On this evidence I am satisfied that Parish Council as successors of the Churchwardens and Overseers are the owners of the lands and I shall accordingly direct the Suffolk County Council, as registration authority, to register Haughley Parish Council as the owner of the lands 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 16th day of October 1979.

A. A. Baden Fuller

Commons Commissioner