



COMMONS REGISTRATION ACT 1965

Reference Nos. 34/U/10
34/U/11

In the Matters of (1) Jubilee Green and
(2) Ferry Knoll Bell Green No.1 and Bell
Green No.2, Walberswick, Suffolk Coastal D.,
Suffolk

DECISION

These references relate to the question of the ownership of lands known as (1) Jubilee Green and (2) Ferry Knoll, Bell Green No.1 and Bell Green No.2, Walberswick, Suffolk Coastal District (formerly Blyth Rural District) being the lands comprised in the Land Section of Register Units No.VG.52 and VG.50 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of these lands at Ipswich on 14 May 1974. At the hearing Walberswick Parish Council were represented by Mr. R. J. Winyard, Solicitor of Walberswick.

Mr. Winyard who is 35 years of age, has lived in Walberswick all his life, and now practises there as a solicitor, gave evidence. Mr. J. A. Gibbs, Records Officer in the Suffolk County Records Office produced the Tithe Award (including the Tithe map) dated 15 November 1841 and made for the parish of Walberswick. On 16 May 1974, I inspected the lands.

The Village is on the south side and near the mouth of the River Blyth. The road from Blythburgh on the west after running through the Village on a west-east line, turns north and then after a short length ends at the south bank of the River where there used to be a vehicle ferry. On the west side of the short length, lies the Village Green ("the VG.51 land") which is provisionally registered under the 1965 Act as a town or village green, which contains (according to the Register map) 347 of an acre and which is not the subject of these references. The land ("Jubilee Green") which is comprised in Register Unit VG.52 and which is the subject of one of these references, is a triangular piece of grass land situate near the south end of the VG.51 land at the corner where the said road turns (as above stated) towards the River; on it there is a double (back to back) seat surrounded with a stone pavement and protected from the rain and weather by a thatched roof; all together Jubilee Green is an attractive place for residents and others to rest on a fine day in pleasant surroundings. The land ("the Knoll Piece") which is comprised in Register Unit VG.50 and which is the subject of the other of these references, is an irregularly shaped piece of land in places crossed by tracks and footpaths leading to nearby buildings



-2-

but for the most part grass land; the southwest of it is a few yards north of the north east corner of VG.51 land and between it and the River.

Mr. Winyard said (in effect):- His father was clerk of the Parish Council and also an auctioneer who acted as land agent to the Lord of the Manor, then Sir Ralph Blois; in the circumstances he (Mr. Winyard) had in his possession a plan of the Blois estates and neither the VG.51 land nor Jubilee Green nor the Knoll Piece (hereinafter together called "the Greens") are included in it. So far as he knew, the Parish Council had, ever since they were in 1910 first constituted, administered the Greens. Ever since he (Mr. Winyard) could remember the Parish Council has employed a man to cut the grass on the Greens. On them (I saw two on the VG.51 land and one on the Knoll Piece) there are notices "Parking Prohibited. By order Walberswick Parish Council. J. A. Steadman Clerk". Persons living in houses fronting on the Knoll Piece, wishing to erect bollards there (to prevent cars driving across) corresponded with the Parish Council and obtained their permission. The Greens are regulated by the same Byelaws.

Mr. Winyard produced:- (i) a copy of an indenture dated 20 May 1862 by which a house adjoining the Knoll Piece was conveyed by a description "bounded ... by the Town Lands on the part of the south ...", and (ii) a copy of a conveyance dated 14 February 1953 by which a piece of land also adjoining the Knoll Piece was conveyed by reference to a plan naming the owners of the surrounding lands, including "Parish of Walberswick" as the owner of the Knoll Piece.

The Schedule to the 1841 Tithe Award groups together "The Green, The Common, Old Town Marsh, Town Saltings (4) and Beach" under the ownership of "Walberswick Town Land, Trustees for the". Mr. Winyard identified on the Tithe map, the VG.51 land with the Green, the Knoll Piece with part of one of the Town Saltings and Jubilee Green with a road junction area. He said, the Common (in the Tithe Award stated to be 86a. 3r. 19p.) and other lands are now owned and administered by Walberswick Common Land Trustees who are registered under the Charities Act.

Mr. Winyard contended that the lands grouped together in the Schedule to the 1841 Award as owned by the Town Land Trustees must under some arrangement (perhaps made long ago and now forgotten) have been divided between the Common Land Trustees and the Parish Council (or their respective predecessors), and that the Common Land Trustees having made no claim at the hearing before me, the Award provided confirmation of the claim of the Parish Council to own the land now in question.

Mr. Winyard contended that the VG.51 land, Jubilee Green and the Knoll Piece should be considered as one piece of land, and being so considered from his evidence from the Tithe Award and the general appearance of the land, I should conclude that they all belong to the Parish Council.

I am required by the 1965 Act to consider the present ownership claim of the Parish Council under subsection (2) of section 8; if I am "satisfied" as to their ownership, I am by the subsection required to direct that they be registered as owners. In considering the cogency of the evidence offered, I can I think bear in mind that under subsection (3) of section 8, if I am not satisfied that any person is the owner of the land, I am required to direct that the Parish Council be registered as owners. So in the particular circumstances of these cases, the Parish Council are the only possible opponents of their claim, and it may be that it is not of any practical consequences whether I am or am not satisfied as to their ownership.



-3-

The ownership of the VG.51 land is not referred to me. There is about it an unresolved dispute (reference 34/D/17), because by an objection numbered 96 and dated 30 September 1970 the East Suffolk County Council claim (in effect, and as subsequently modified in a letter dated 16 February 1971) that a 4 feet wide strip of land lying next to the road along and within the south east boundary of the VG.51 land was not village green at the date of registration.

In my view the circumstance that the ownership of the VG.51 land is not before me and that accordingly any observations I may make in this decision about its ownership will not be binding in any proceedings relating to the VG.51 land as to the said 4 feet strip of land or as to the ownership of the remainder of the VG.51 land, is not a sufficient reason why I should not consider and give effect to Mr. Winyard's contentions in relation to Jubilee Green and the Knoll Piece.

In my opinion ~~the~~^{his} contentions ~~is~~^{are} well founded. The VG.51 land has on it a seat (in memory of F. and C. Newton Trier 1932-67), a children's seesaw, a children's swing and two "Parking Prohibited" notices as above mentioned. It appears to be parish property of which the Parish Council are in possession. Having regard to the absence of any claim by the Walberswick Common Charity Trustees and to the terms of the Tithe Award, I conclude that the Parish Council are the owners.

From the activities of the Parish Council on the Jubilee Green and the Knoll Piece as above described, from the "Parking Prohibited" notice on the latter, and from their situation and general appearance, I conclude that they can as regards ownership properly be regarded as part of the Village Greens, of which the VG.51 land is the greater part.

For these reasons I am satisfied that the Parish Council is the owner of the Jubilee Green and the Knoll Piece and I shall accordingly direct the Suffolk County Council as registration authority to register Walberswick Parish Council as the owner of Jubilee Green being the land comprised in Register Unit VG.52 and of Ferry Knoll, Bell Green No.1 and Bell Green No.2 being the land comprised in Register Unit No. VG.50 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 5th day of June 1974.

a. a. Baker J.P.

Commons Commissioner