



COMMONS REGISTRATION ACT 1965

Reference No. 34/U/18

In the Matter of The Green, Bredfield,
Suffolk Coastal D., Suffolk

DECISION

This reference relates to the question of the ownership of land known as The Green, Bredfield, Suffolk Coastal District (formerly Deben Rural District) being the land comprised in the Land Section of Register Unit No. VG.11 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 Mr. D. G. Teall wrote to the Clerk of the Commons Commissioners stating that this land forms part of the Manor of Bredfield, that this manor had been associated with the Lordship of Croyland (Lincolnshire) for very many years, and that the present Lady of the Manor of Croyland is Mrs. A. M. Teall. No other person claimed to be the freehold owner of the land 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 land at Ipswich on 14 May 1974. At the hearing: (1) Mrs. A. M. Teall was represented by her son Mr. D. G. Teall, and (2) Bredfield Parish Council were represented by Mr. W. A. Hayles one of their members.

Mr. Teall, after saying that he also represented Teallach Estates (the name registered under the Business Names Act under which he and his wife Mrs. E. J. Teall held or managed properties belonging to themselves or their children) gave evidence in the course of which he produced a copy of a conveyance dated 5 November 1954 by which Messrs. Owen Warner and Evelyn Annie Beresford - Jones conveyed to Mr. John Lionel Beaumont of Coggeshall the manors or lordships or reputed manors or lordships described in the Second Schedule, in which were listed numerous manors or reputed manors in Lincolnshire, Suffolk and other counties in England, and including among the twelve of Suffolk "Bredfield Campsey".

Mr. Teall said (in effect):- His father and Mr. Beaumont knew each other very well; together they thought up a scheme for making common lands and village greens attractive. Mr. Beaumont died on 4 May 1966. On 8 October 1966, his father telephoned saying that he wished to talk about the "situation which had arisen", and he arranged to do this on 10 October 1966; on the way he was killed in a motor accident. So he Mr. Teall never discovered what his father had in mind. His mother wanted to carry on with the scheme and contacted Mr. Beaumont's widow; in the result she obtained and still has all the records of the Manor of Croyland and a large number of other papers dealing with other manors. Mr. Teall now has these papers in his office; there are boxes and boxes of them. In places where they had established ownership of the green, they had planted trees and put on a teak seat; he instanced as places where they had done this the following, Whaplode Drove, Moulton, Whaplode and Gunthorpe in Lincoln, and Paston and Newborough in Cambridge.



Mr. Teall gave no evidence about anybody ever having done anything on or in any way relating to the land ("the Unit Land") comprised in this Register Unit.

Mr. Hayles who was born in 1908 and has since 1920 lived in the Village in a house opposite the Unit Land gave evidence, to the following effect:- The Unit Land is a triangular piece of grass land (according to the Register map it contains 0.376 of an acre; this area may include the strip below mentioned) and is bounded on the southeast by the motor road which leads to the Village from the north, bounded on the south west by a track or side road, and bounded on the north by a strip of land which lies between the Unit Land and the hedges, fences or gates of lands on the north belonging to nearby houses or buildings. The said strip is grass land, extending beyond the Unit Land both on the east and the west and now appears to be the same piece of grass land as the Unit Land, being the land now known as "the Green". The lads of the village used to play (very informal) cricket on the Green; before the Village had a playing field, it was the only open piece of ground in the Village. About 7 years ago the Parish Council put a single plank seat on the Green for the convenience of those using the nearby bus stop. Last year (being Tree Year) it was suggested that the Parish Council should plant a tree; but later a tree was given by Dr. Lawson Dick and this (a red oak) was planted in October 1973. The Parish Council have taken care to see that the Green is not used as a dumping ground. Mr. P. Hayles (Mr. Hayles' brother) keeps the grass short purely from the aesthetic point of view. Mr. Hayles had never heard the name Campsey used with Bredfield; there is a village called Campsey about 7 miles away.

By subsection (2) of section 3 of the 1965 Act, I have on this reference to determine whether I "am satisfied that any person is the owner of the land". By section 22(2) of the Act ownership means ownership of "a legal estate in fee simple".

In my view Mrs. Teall is not the owner. Although by subsection (3) of section 62 of the Law of Property Act 1925 any conveyance of a manor effected by the 1954 conveyance operates to convey with the manor "all pastures ... wastes ... commons ... and the ground and soil thereof ... privileges ... and hereditaments whatsoever to the manor appertaining or reputed to appertain or at the time of conveyance ... reputed or known as part ... thereof", and although it may be that the Unit Land could in 1954 have properly been regarded as a pasture or a waste or a common or a hereditament, I have no evidence that it then or at any other time "appertained" or was "reputed" or "known" as required by the subsection. I decline to infer that the Unit Land comes within the subsection merely because it is in Bredfield and the manor is in the 1954 conveyance called "Bredfield Campsey". Further I have no evidence that this manor has in any now relevant sense either become associated with Croyland or devolved for a legal estate in fee simple on Mrs. Teall.

In my view the Parish Council is not the owner. On the evidence of Mr. Hayles as outlined above, I am unable to conclude that the Parish Council are in possession. If they are not in possession, there is nothing at all on which I could base an ownership finding in their favour.

There was no evidence that any one else is the owner.



-3-

For these reasons, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Suffolk County Council as registration authority, to register Bredfield Parish Council as the owner of the land under subsection (3) of section 8 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

23rd

day of

May

1974.

a. a. Baden Fuller

Commons Commissioner