

Parish Lands

At its meeting on 26 September 2019 the meeting considered plans of the area between Wickhambrook Primary Academy and the Memorial Social Centre and asked the Clerk seek to clarify the extent of registration of parish land at Six Acres (**Min 19.09.8.2 refers**).

At its subsequent meeting on 27th February 2020, the parish council resolved to authorise the clerk to undertake searches on HM Land Registry of the plots of land identified in it report **WPC.20.02.01**
(Min. 20.02.8.3 refers).

Searches of the cadastral parcels identified above have now been completed, and the clerk has established that the parish council has registered Titles, as summarised below:

Plot of land	Cadastral Parcel	Title Number	Type of Title	Land Registered	Appendix
Attleton Green	50134812	SK329062	Freehold Title Qualified Section 8 of the Commons Registration Act 1965	28/01/2011	1
Bury Road Pocket Park (part)	58869486	SK376636	Freehold Title Absolute	09/05/2017	2
Coltsfoot & Moor Green	50127595	SK329055	Freehold Title Qualified Section 8 of the Commons Registration Act 1965	27/01/2011	3
Genesis Green	50306874	SK329064	Freehold Title Qualified section 8 of the Commons Registration Act 1965	28/01/2011	4
Recreation Ground	54893729	SK342037	Freehold Title Absolute Proprietor: Official Custodian for Charities on Behalf of Trustees of The Wickhambrook Memorial Social Centre	22/10/2012	5
Recreation Ground	54893729	SK344186	Leasehold Title Absolute: Wickhambrook Parish Council Lease expires 31 January 2023	05/02/2013	6

The titles in each case relating to Wickhambrook Parish Council have been recorded at the address of the Clerk who was in post at the time. The Commons Registration Officer at Suffolk County Council has advised that it would be prudent both to apply to HM Land Registry to update this address in each instance. This is to ensure that any relevant notices are served upon the Parish Council at its current registered address (an e-mail address would be sufficient, and would also limit any future occasions that the address would require updating. There is no charge for this application, but it does require that the identity of the applicant be officially verified (by a solicitor or similar). One verification is sufficient for all applications. Initial enquiries indicate that the cost of verifying identity for this purpose would be in the region of £200.00, and many Solicitors will only undertake this function as part of a wider piece of work due to the administrative burden of opening a case file.

The current situation with Parish Lands is:

The Greens

Attleton Green, Coltsfoot & Moor Green and Genesis have qualified Titles, restricted by S.8 of the Commons Freehold Registration Act 1965. This means that although the parish is the registered land owner, the use to which the land may be put is limited, because it is registered as common land with the County Council. Town and village greens can be used for sports and recreation, for example playing football or walking a dog.

Bury Road Pocket Park

Bury Road Pocket Park (part) has an absolute Title, land transferred from Havebury Housing Association. Two other parts are registered to:

- Havebury Housing Association; and
- Suffolk County Council.

Between 2023 and 2024 the parish council funded work through a solicitor to try to effect transfer of these parts to the parish council, as it has maintained the play park since 2026. In November 2024, the parish council:

... considered an update on the proposal for the transfer of a small parcel of land within the Bury Road Play Park from Havebury Housing Association to Wickhambrook Parish Council (previously circulated as **WPC.24.07.06**) and, having carefully considered the advice of Excello Law set out in the report, determined that:

1. the parish council should not proceed with a transfer of land indicated in Figure 1 (below)

1. The necessary transfer (blue); and
2. Optional transfer 2 (green)



Figure 1.

on the basis of the advice of Excello Law attached as Appendix B to report WPC.24.07.06) and the likely risk arising from obligations to Havebury Housing Partnership in the future; and that

2. it did not wish to continue to seek to register land identified in the plan at Figure 2

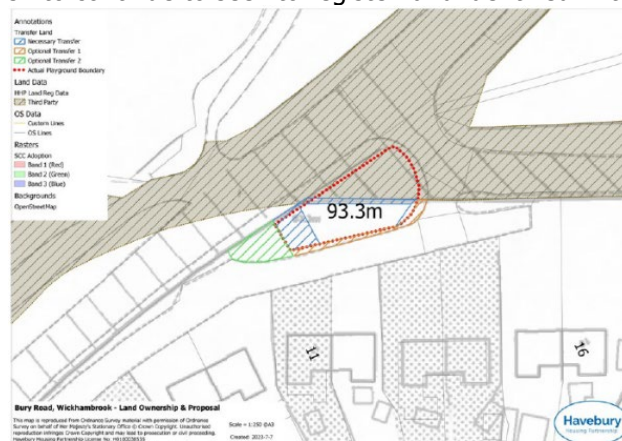


Figure 2.

(Third party land within red dots delineating fence line).

Wickhambrook Cemetery

The cemetery land is not currently registered. The land was transferred to the Parish Council by Deed in 1952? when the cemetery was established and it may be prudent to register this with HM Land Registry. The clerk has obtained images of the purchase of land for extension of the Cemetery from Suffolk Archives prior to an application to register Title of the land

Recreation Ground

There is a Freehold Title Absolute vested in the Official Custodian for Charities on behalf of the Trustees of the Wickhambrook Memorial Social Centre, and a leasehold for Wickhambrook Parish Council over the children's play area, both registered on 22nd October 2020. The Parish Council instructed Solicitors in 2022 with respect to a renewal of the lease from the Trustees of Wickhambrook Memorial Social Centre Trustees. In August 2022, taking into account from Burnett Barker Solicitors and SALC (Report WPC.22.09.04, and Minute) the parish council agreed that:

That the renewal of the lease should be continued with under Landlord and Tenant Act and asked the clerk to advise the Trustees of the Wickhambrook MSC and appointed Solicitors accordingly.

The clerk reported back to the Trustees of the MSC, and the solicitors. Burnett Barker subsequently advised that:

There will not be a new paper Lease to register. Although the contractual terms have come to an end the rights under the Lease continue, and continue to roll on until the Landlord issues a section 24 notice. This does leave you vulnerable to the Landlord issuing the relevant notice when it is not convenient to you, but means you can continue without drafting a new document and incurring any registration fees."

The Trustees of the MSC were informed of this advice and confirmed again that they were content to proceed on the basis of the rights of the lease continuing under the Landlord and Tenant Act (Min 22.11.10.2).

Six Acres

There is no Title established over the land known as Six Acres. The clerk has asked Suffolk County Council whether this land is also registered as common land...

Land at Nunnery Green and Clopton Green

The clerk has confirmed that trees on two parcels of land, Nunnery Green and Clopton Green, are the responsibility of Havebury Housing Association and a private land owner respectively, and that the parish is not responsible for assessment and maintenance of trees on those parcels of land. The land at Clopton Green (to the north of the play area is currently being transferred to West Suffolk Council.

Land to Rear of Croft Close

Anglian Water have additionally confirmed that they have a restrictive covenant on land to the rear of croft close which in their view prevents them from transferring the land to the parish council.

In April of this year the clerk received correspondence from a resident whose property bounds Six Acres (backing onto the Bowling Green). The specific concern related to the ditch between the bowling green and the three Thorns Close properties backing onto it. The Brambles and hedging to the rear of the bowling green in the ditch were reported to be so overgrown that they had grown into the garden of the local resident. The parish council was asked to investigate ownership of the trees and arrange to have the brambles cleared.

There is no record of the ditch on ParishOnline mapping software. The resident was advised that generally with watercourses, the responsibility extends to the middle of the watercourse on each side. The hedges bounding the Bowling Green were cut back in November '25.

A plan of the establishment of the row of houses within which the resident's property lies is attached as Appendix A – this shows an open ditch, but does not show ownership or responsibility. A plan showing the properties and Bowling Green is inset below and images showing the overgrown hedge on the resident's property is attached as Appendix A. The resident has now cleared their hedge and installed a fence on the boundary.



The clerk has met with the resident on site, and has arranged two subsequent meetings with our Grounds Contractor (which have had to be postponed) to establish the likely cost of clearing the ditch, should it be established that the parish council has sole responsibility for it.

Suffolk County Council has been contacted to establish whether Six Acres is recorded as common land (the land was purchased by the Parish Council in 1974, let as agricultural land until the late 1980's before being converted to recreational use in the early 1990's).

Powers:

Power to appropriate land for an authorised purpose. (Unregistered SCC land)	Local Government Act 1972, s.126 The authorised purpose being: Power to provide and contribute to wide range of recreational facilities in/outside of the council's area. Local Government (Miscellaneous Provisions) Act 1976, s.19
Power to accept and maintain gifts of land. (Havebury land)	Local Government Act 1972, s.139
Power to enter into contracts	Local Government Act 1972, ss.124, 127
Power to do anything that will facilitate, be conducive to or incidental to the discharge of its powers and functions.	Local Government Act 1972, s.111

Funding:

	Revenue	Earmarked Reserves
Greens	£750.00	
Grounds and Asset Maintenance		£4,000.00
Parish Groundworks	£500.00	
Parish Lands	£250.00	
Six Acres	£500.00	

Recommendations:

1. Update the registered address on each Title with HM Land Registry to ensure that any future notices served by them are sent to the correct address (exempt from fee)
2. If Six Acres land is registered as common land, consider whether to apply to register Qualified Title of the land with HM Land Registry
3. Consider whether to apply for registration of the land used for the Cemetery
4. Get an initial estimate for the likely cost of clearing the ditch on the boundary between the Bowling Green and Thorns Close properties.
5. Establish whether any of the restrictive covenants recorded in the summary title deeds of Thorns close properties relate to any form of shared responsibility for the ditch to the rear of the properties.

Report:

WPC.24.07.06

WPC.23.11.05

WPC.23.07.10

[WPC.22.11.04](#)[WPC.20.07.04](#)[WPC.20.02.01](#)**Minute:**

24.07.16

23.11.19

23.09.9.5

23.07.17

22.11.10.2

20.07.21

20.02.8.3

19.09.8.2