



COMMONS REGISTRATION ACT 1965

Reference No. 43/U/20

In the Matter of Seaton Common,
Seaton, Holderness R.D., Yorkshire
(East Riding)

DECISION

This reference relates to the question of the ownership of land known as Seaton Common, Seaton, Holderness Rural District being the land comprised in the Land Section of Register Unit No. CL.3 in the Register of Common Land maintained by the East Riding 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 no person claimed to be the freehold owner of the land in question and no 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 Beverley on 13 July 1973. The hearing was attended by Holderness Rural District Council who were represented by Mr. D. B. Law their clerk and by Mr. William H. Dowell in person.

Mr. Law who is and has been since 1965 Clerk and Chief Financial Officer of the Rural District Council and has lived in Beverley since 1951 gave evidence.

The land ("the Unit Land") comprised in this Register Unit consists of five pieces of grass land spread over a distance of (as I scale the map) 385 yards on the west side of the Village; the two southern pieces are on the west side of the road which starts at its junction with the main Leven-Hornsea road passing through the Village and which runs northwards out of the Village; the three northern pieces are on the east side of the same road.

Mr. Law produced (1) a copy of the 1852 Ordnance Survey map which shows all five pieces marked as "Seaton Common" (unlike the current Ordnance Survey map which so marks the two southern pieces); (2) a letter dated 6 July 1973 from Mr. S. L. Bar of the Estate Office Wassand saying that he did not know of any person or persons claiming ownership of the land and subsoil of the Seaton Common; (3) a copy of the Scheme made for Seaton Common under the Commons Act 1899 by Skirlaugh Rural District Council on 1 August 1913 and approved by the Board of Agriculture and Fisheries on 4 September 1913; (4) a copy of the Bye-laws made under the Act by the same Council on 19 December 1913 and allowed by the Local Government Board on 28 February 1914; (5) a minute of a meeting on 8 May 1914 of the same Council at which they resolved pursuant to section 4 of the 1899 Act to delegate their powers of management to the Seaton and Wassand Parish Council; (6) the minute book of the Parish Council from 4 December 1914 to 31 March 1919 which recorded that:- (a) at a Council meeting on 15 April 1912 it was resolved "That Mr. Brown, Mr Bollands and Mr. A. Balls be a Committee to watch over the Common and to see that all the rubbish is cleared off when necessary"; (b) at a Council meeting on 28 October 1912 a letter was read



from Mr. C. W. Hobson with reference to Seaton Common "pointing out that Major Constable was undoubtedly the Lord of Manor and also a wire stating that Major Constable had no objection to the enclosure of the Common if the Council wished to inclose it"; (c) at a Council meeting on 18 November 1912 "Letter was read received from this Council Solicitor (Mr. C. W. Hobson) advising the Council to make an application to the Skirlaugh Rural District Council to procure from the Board of Agriculture a Scheme for the regulation of Seaton Common under Part I of the Commons Act 1899 and that the Council be requested to provide for the delegation of the power of management to this Parish Council in the preparation of such Scheme; also a copy of letter received from Major F. S. Constable (Lord of Manor) stating that if this parish Council wish that Seaton Common should be enclosed he would not stand in the way" and (d) at a parish meeting on 19 June 1913 held "For the purpose of considering the whole question of the Enclosure of Seaton Common and to hear the grounds of any objection to the proposed Scheme for the better regulation of the said Common," 26 parochial electors being present, and also Mr. Kenyon one of the Inspectors of the Board of Agriculture and Mr. C. W. Hobson, clerk of Skirlaugh Rural District Council.

Mr. Law said:- The Parish Council manage the Unit Land under the Scheme. The letter of 6 July 1973 was of weight because Mr. Barr is not only chairman of the Parish Council but also agent for the Wassand Estate who are big land owners in the area; Mr. Barr had told him (Mr. Law) that he had checked his records; if Mr. Barr knows of no one (apart from the Parish Council) who could claim ownership, it is unlikely that there is any such person. During the last 10 years the Parish Council have raised the level of the two southern pieces (they were formerly low lying and damp) reseeded the grass and planted trees.

Mr. Dowell suggested that I should not be satisfied as to ownership in the absence of a "proper title" and that I should preclude the owner from imposing petifogging restrictions on the use of the land, such as prohibiting anyone camping there. He provided me with no information as to the ownership of the Unit Land.

The situation of the Unit Land in relation to the Village and its delineation in the 1852 map indicate that if it did not then belong to the Lord of the Manor or some neighbouring land owner it must almost certainly have been parish property vested in the churchwardens and overseers.

Under the 1899 Act, a Scheme cannot be approved if the person entitled as Lord of the Manor or otherwise to the soil dissents. The detailed minute of the parish meeting on 19 June 1913 mentioned many objections to the then proposed Scheme, but none based on any claim of ownership; the use of the word "enclosure" by some had resulted in misunderstanding, a fencing in of the land had never been contemplated. Although it is possible that at that time Major Constable was the owner and that his non objection to the "enclosure" was benevolent, it is equally possible that although Lord of the Manor, his non objection was because he was not the owner.

The above mentioned levelling seeding and planting of the Unit Land by the Parish Council show I think that they are in possession as owners, such works being beyond the "regulation and management" contemplated by the 1899 Act.

Upon the above mentioned indications of the ownership of the Parish Council and, having regard to the letter of 6 July 1973 (which I treat as evidence by Mr. Barr) and the absence of any reply to the advertisements of these proceedings,



-3-

I am satisfied that the Parish Council, as successors of the churchwardens and overseers, are now the owners of the Unit Land and I shall accordingly direct the East Riding County Council, as registration authority, to register Seaton Parish Council as the owners 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 27^k day of July 1973.

a. a. Baden Fuller

Commons Commissioner