



In the Matter of The Fleet,
West Butterwick, Humberside

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 69(L) in the Register of Common Land maintained by the Humberside 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 West Butterwick Parish Council claimed to be the freehold owner of the land in question and no other 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 Brigg on 23 October 1979.

At the hearing, Mr C L Stevenson appeared on behalf of the Parish Council. Evidence was given by Mr John H Cockin and Mr Albert Threadgold, both members of the Parish Council. In the 1851 Tithe Schedule, the land is described as 'Pond' and in the ownership of 'Butterwick Town'. It was until the 1920's an area of standing water, used for horses to wash. In the 1920's it was filled in by the parishioners and in 1930 the Parish Council planted trees which are now mature: it has been grassed over and is now an attractive piece of land for which the Parish Council takes responsibility and which it maintains with assistance from owners of adjoining houses.

On this evidence I am satisfied that West Butterwick Parish Council is the owner of the land, and I shall accordingly direct the Humberside County Council, as registration authority, to register the Parish Council as the owner 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 31 October 1979

L. J. Morris Smith
Commons Commissioner