



COMMONS REGISTRATION ACT 1965

Reference Nos. 45/U/183
45/U/184

In the Matter of lands in Waddington,
Ribble Valley D., Lancashire

DECISION

These references relate to the question of the ownership of lands in Waddington, Ribble Valley District (formerly Bowland Rural District, Yorkshire West Riding) being the lands comprised in the Land Section of Register Units No. CL.300 and No. VG.97 in the Register of Common Land and in the Register of Town or Village Greens maintained by the Lancashire 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, Waddington Parish Council by their solicitors stated they had intended to apply for registration of ownership. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Skipton on 3 April 1974. At the hearings Waddington Parish Council were represented by Mr. R. Eddleston solicitor of Ramsbottom & Co. Solicitors of Clitheroe.

Evidence was given by Mr. A. H. Banks who is 72 years of age, has lived in the Parish all his life, is now and has been for the last 25 years clerk of the Parish Council, and was before that for some years a member.

The land ("the VG. Land") comprised in Register Unit No.97 contains (according to the Register) .044 hectares (about 1/10th of an acre). It is a narrow strip bounded on the east by the main road (B.6478) which runs through the Village from Clitheroe on the south to Slaidburn on the north, and from which it is separated by white painted railings (iron posts connected at the top with a chain and in the middle with an iron bar); and bounded on the west by Waddington Stream. It is now known as The Memorial Garden. On the other side of the main road stands Waddington Old Hall which was rebuilt in 1904 by Mr. John Waddington (he was a successful business man, and at one time High Sheriff of Sussex, who was attracted to the Village, so it is said by its name; he is remembered as a typical country gentleman who benefited the Village as below mentioned and in other ways, e.g. by contributing to the cost of laying under ground the electric cables through the Village). On the other side of the Stream are the Coronation Gardens (this land was about 20 years ago given to the Parish Council by Mr. J. Watson, the then owner of the Old Hall). These Gardens are connected with the VG. Land by a rustic bridge built in 1907 for Mr. Waddington by Mr. Bank's father (he was a builder and joiner, as also Mr. Banks, now retired, was).

Mr. Banks produced the Minute Book ("the 1894 Book") of the Parish Council from 1894 to 1919. On 1 September 1904, it was resolved: "That the Council grant permission to John Waddington, Esq. to fix stoops and chains opposite the Old Hall and to plant shrubs etc. on the Waste Land but no Forest Trees of any kind what so ever And that he pay one shilling per year for the said privilege on the first day of September



in each year ..." Pasted in the 1894 Book is a letter dated 4 April 1906 from Mr. Waddington enclosing a one shilling postal order pursuant to the resolution; and the 1894 Book also records receipt of one shilling for Waste Land opposite the Old Hall on 4 May 1908, 1st April 1909 and 18 May 1910. On 13 May 1910 "the Clerk submitted a Letter from Mr. John Waddington re Land opposite the Old Hall, and ... it was agreed that he continue to pay the One shilling per annum, and not for a term of years as suggested."

Mr. Banks identified the Waste Land referred to in the 1894 Book as the VG Land. Mr. Waddington then owned the Old Hall and the land on which the Coronation Gardens were subsequently laid out and it was convenient for him to cross over the VG Land and the rustic bridge to go from one to the other. Mr. Waddington put up the iron railings, paid for the rustic bridge, kept the VG Land tidy, made flower beds on it, planted roses and so forth, so that as Mr. Banks first remembers, it was (and has been ever since) a pleasure for all. After the 1914-18 war, the Village War Memorial was erected on the south end of the VG Land. After Mr. Waddington died (Mr. Banks did not give the date, but I infer it was during or just before or soon after the 1914-18 war, the Old Hall was sold, and subsequent owners did not take as much interest in the VG Land as he had done. The Parish Council, ever since Mr. Banks has been their clerk, has maintained the VG Land as a public garden, keeping it tidy, painting the railings between it and the main road, planting flowers on it and so forth.

The land ("the CL Land") comprised in Register Unit No.300 contains (according to the Register) .082 hectares (about 1/5th of an acre) and is in five areas, all near the VG Land.

One of these areas ("the Pound Area") is reputed to be the old pinfold. It is bounded on the south and south west by the graveyard of St. Helens Church and on the north east and east by a building being the Smithy and the Smithy House, (now separately occupied) and the garden of the House. Access to the Pound Area is obtained through a door on the north side, opposite the Old Stocks (when Mr. Banks was at School they were no more than stones on which there had been stocks); when the Stocks were put in order by Mr. Bank's father with his help (they replaced the wood, so the Stocks can now comfortably accommodate a curious visitor), they made a new door for the Pound Area. The Parish Council before applying for the registration of the Pound Area under the 1965 Act, made inquiries of the Estate Office of Lord Clitheroe (he is or was thought to be the Lord of the Manor Slaidburn) as to his possible ownership, and of the solicitors mentioned by this Office, but they could not help.

The 1894 Book records that on 22 July 1915, it was resolved "that if the Parish Council have power to deal with the Pound Fold that permission be granted to the Wardens of St. Helens Church to cross the Pound Fold with a Water Pipe from the Main of the Village Water Supply". Mr. Banks also produced the Minute Book ("the 1919 Book") of the Parish Council from 1919 to 1949; on 9 May 1927 it was resolved "that the Pound Door & Railing be painted and a general tidying up of the place be left in the hands of the Clerk".

The Parish Council have, since Mr. Banks has been their clerk, occasionally cleared the Pound Area of rubbish which has been thrown there, and have kept the door in repair. Mr. Banks has never known the Pound Area to be used for anything.



Another area of the CL Land is a strip which is between the Waddington Stream and the main road and which adjoins the south end of the VG Land. On the opposite side of the Stream is a slightly longer strip, being another area of the CL Land. These two areas ("the South Areas") were waste land.

The 1894 Book records:- on 3 December 1906, "the Clerk reported his interview with Mr. Waddington re - the fencing off the Brook below the Old Hall, Mr. Waddington having proposed to find the iron fencing if the Council would undertake to fix the same, level the ground and keep the same in good order ... (it was resolved) ... that the Clerk write to the District Council pointing out the unsatisfactory state of the said place & ask them to take steps for repairing the same & Fencing it off Mr. Waddington having proposed to find the Fencing"; on 13 June 1910 it was resolved "that the Clerk write to Mr. Waddington re - Rails and Fencing below the Old Hall"; on 20 June 1910 "that the Clerk get tenders for filling and levelling behind the Training Wall on Brook Side" on 6 September 1910, "various accounts for the repairs on the Brook side ... was order to be paid ..."; on 30 March 1911 "a vote of thanks to Mr. Garnett junior for his generosity in defraying the cost of the improvement carried out by the Council, in banking the side of the Stream, repairing the footpath below the Old Hall which has added much to the appearance of the Village"; on 1 April 1913 "that a suitable iron fence be fixed at the higher side of the Stone footbridge ... and that the Clerk be empowered to see to the grass being kept mown & tidy by the side of the Stream below the Old Hall above Sun Inn Bridge when this is completed". The railings referred to in the above quotations from the 1894 Book were apparently erected; they were there as far back as Mr. Banks can remember being (as now) in continuation of those along the east boundary of the VG Land. The Bridge referred to is a one stone bridge across the full width of the Stream situate at the south end of the west of the two South Areas.

The 1919 Book records resolutions:- on 8 March 1922: "that Wire Netting be fixed to iron rails below Old Hall" (Mr. Banks said that this was not done); and on 17 August 1927 "that the Council offer Mr. R. Simpson 25/- per annum to keep the Brook Sides clean and tidy, the same to be done twice a year; on 29 April 1930 "that John Dugdale be appointed to mow the grass on the Brookside, at least twice a year at a salary of 12/6 each time", and on 21 July 1934 "that a new form be purchased to be fixed opposite West View". West View is a terrace of houses (delineated on the Register map) on the east side of the South Areas and on the other side of the main road. Mr. Banks said the "new form" was put on concrete on the north end of the west of the two South Areas

The two remaining areas (the North Areas) of the CL Land are grass land with some shrubs, on either side of Waddington Stream higher than the VG Land and just above where the main road crosses the stream by the Sun Inn Bridge. There are railings between the North Areas and the adjoining roads.

The 1894 Book records:- on 17 January 1913 "the question of repairing the branch road from Sun Inn Bridge to Higher Bridge was sanctioned by the District Council, who agreed to take over the said road and keep it in repair providing that the Parish Council undertake to carry out the work of keeping the ground by the side of the stream mown clean and tidy ... (resolved) ... that this Council undertake to comply with Mr. Garnett's request, and to keep the said land mown when required ... that the clerk write thanking Mr. Garnett for the generous way he has met the Council, and the District Council in waving his manorial rights of the said land and the gift of £10 towards carrying out the work" Mr. Banks identified the land referred to with



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the two North Areas; the short length of road on the east side of the Stream between Sun Inn Bridge and the nearby bridge higher up (over which runs the road to the adjoining village of West Bradford) is known as the Branch Road. The resolutions of 1 April 1913, 17 August 1927 and 29 April 1930 quoted above in relation to the South Areas, also refer to the North Areas.

The Parish Council have ever since Mr. Banks has been their clerk kept the South Areas and the North Areas tidy, arranging for the grass to be mown and the shrubs kept in order and re-planted when needed and for the railing to be repainted as necessary.

On the evidence outlined above, it is I think likely that all these lands (the VG Land the five areas of the CL Land) have always been parish property and are now as such vested in the Parish Council. It may be that at one time they or some parts of them, were or (as indicated in the above quoted minute dated 17 January 1913) thought to be waste land of a manor; however this may be, the evidence shows I think that the Parish Council have for many years been in undisputed possession and that Mr. Garnett (mentioned in the said minute) and whoever else as lord of the manor or otherwise may have been the owner, have long ago accepted the control of the Parish Council (possibly deliberately and generously as Mr. Garnett is recorded to have done). Whether such acceptance was deliberate or not, I conclude that the title of all persons who could have claimed adversely to the Parish Council has long ago been extinguished by the Limitation Act 1939, and that the Parish Council now have a good possessory title.

For the above reasons, I am satisfied that the Parish Council is the owner of these lands (both the VG Land and the CL Land) and I shall accordingly direct the Lancashire County Council as registration authority, to register Waddington Parish Council as the owner of the lands 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

3rd

day of

May

1974.

a. a. Baden Fuller

Commons Commissioner