



COMMONS REGISTRATION ACT 1965

Reference No.45/U/189

In the Matter of Village Green,
Newton, Ribble Valley D., Lancashire

DECISION

This reference relates to the question of the ownership of land known as Village Green (four pieces: 1 School, 2 Cockwell, 3 Bounty and 4 Hall) in Newton, Ribble Valley District (formerly Bowland Rural District, Yorkshire West Riding) being the land comprised in the Land Section of Register Unit No.VG.130 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 this reference Newton-in-Bowland Parish Council wrote saying that they wished to continue to control and maintain the Village Green as has been done for many years (certainly for 50 years). 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 Skipton on 3 April 1974. At the hearing, Newton-in-Bowland Parish Council were represented by Mr. E. Newhouse their chairman.

Mr. Newhouse who is 59 years of age, has lived in the parish for 28 years, was a member of Skipton Rural District Council for 10 years, is and has been a member and chairman of the Parish Council for 10 years and is a member of the Ribble Valley District Council, gave evidence.

The land comprised in this Register Unit which contains (according to the Register) .210 hectares (about half an acre), consists of four pieces of grass land, all in or near the middle of the Village.

One piece ("the School Green") is near the School, open and unfenced from the road; on it there are some weeping willows (planted about 8 years ago) and some shrubs. The land slopes down from the road, so motorists are not tempted to park on it. The Parish Council pay a man to mow it (he is a County Council employee and he does this in his spare time).

Another piece ("the Cockwell") is near the United Church (Methodist Chapel); on it there is a well or trough for watering horses. Another piece ("the Bounty") is near the Cockwell, between it and the School Green. About 8 years ago the Parish Council erected railings (wood posts about two feet high joined with plastic chains) around the Cockwell and the Bounty to prevent motors being parked, but not so as to prevent children playing and people walking there. About that time the Village Reading Room became dilapidated, planning permission was obtained to convert it into a house, and the Committee not knowing who owned the land decided to use the proceeds (among other Village purposes) to pay for the railings; this was done with the co-operation of the Parish Council, three of whose members were also members of the Reading Room Committee. The Parish Council pay for the maintenance of the railings (the posts are painted white every two years) and for the mowing of the grass.



The remaining piece ("the Hall Green") is opposite Newton Hall (a very old house) and between the middle of the Village and the Bridge over the River Hodder. Mr. Kay who owns the Hall and whose wife is a member of the Parish Council, has for many years planted the Hall Green with daffodils.

Generally all four pieces are known as the Greens. Mr. Newhouse said that from inquiries he had made of Mrs. Morgan (the wife of the Clerk of the Council, she was brought up in the Village and has lived there for much longer than Mr. Newhouse), they have always been so called. Nobody (other than the Parish Council) has ever claimed to own or control them.

Although the evidence outlined above given in support of the Parish Council's ownership claim is perhaps open to the criticism that it should have been supported by the production of the minute books and of other documents, I consider that I can properly act on it. By section 8 of the 1965 Act, if I am not under subsection (2) "satisfied that any person is the owner of the land", I am required by subsection (3) to direct the Parish Council to be registered as the owners; so the Parish Council are in the particular circumstances of this case the only possible opponents of their own claim; there is therefore no need for me to be critical of the evidence offered. From the acts done, as above described, by the Parish Council on the School Green, the Cockwell and the Bounty, I conclude that they are now and have been for many years in possession and have a good possessory title. They have not done anything particular on the Hall Green, but in view of Mr. Newhouse's Statement that Mr. Kay could be regarded as having looked after it on behalf of the Parish Council and that the Hall Green is generally treated as one of the Greens, I can I think properly conclude that they are all in the same ownership.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Lancashire County Council, as registration authority to register Newton-in-Bowland 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 26th day of April 1974.

a. a. Baden Fuller