



COMMONS REGISTRATION ACT 1965

Reference Nos. 45/U/81
45/U/102

In the Matters of (1) The Greens, Hetton
and (2) Hetton Common Head, Hetton and
Rylstone, both in Craven D., North Yorkshire

DECISION

These references relate to the question of the ownership of (1) lands known as The Greens, Hetton and (2) land known as Hetton Common Head, Hetton and Rylstone, both in Craven District (formerly Skipton Rural District, Yorkshire West Riding) being the lands comprised in the Land Section of Register Units (1) No.VG.47 and (2) No.CL.140 respectively in the Register of (1) Town or Village Greens (VG) and (2) Common Land (CL) maintained by the North Yorkshire County Council of which no person is registered under the Commons Registration Act 1965 as the owner.

Following upon public notice of these references no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

The Chief Commons Commissioner held hearings for the purpose of inquiring into the question of the ownership of the lands at Skipton on 20 and 21 June 1973. No person attended the hearings, and his decisions dated 9 and 12 July 1973 were sent to the Clerk of the Hetton Parish Meeting. Subsequently on the application by letter of the Chairman and Clerk of the Parish Meeting the Chief Commissioner set aside his decisions under regulation 21 of the Commons Commissioners Regulations 1971. I held hearings for the purpose of inquiring into the same questions at Skipton on 2 April 1974. At the hearings the Parish Meeting was represented by Mr. C. Reeder solicitor of Charlesworth Wood & Brown, Solicitors of Skipton.

Mr. P. Shackleton who came to the Parish in 1947 (he was then 6 years old), has lived there ever since and been chairman of the Parish Meeting since 1968, gave evidence. He produced three books held by him on behalf of the Parish: (i) An octavo account book ("the 1854 Book") entitled outside "Hetton" and inside "1854 March 24 Hetton Count Book For the Highways" and containing (forwards) annual accounts from 1854 to 1865 allowed by the Justices and (backwards, some of the earlier pages torn out) annual accounts from 1888 to 1909 each of which is headed "Money paid to the Rate payers out of the Letting of Waste Lands in Hetton Township" or with headings to the like effect; (ii) An octavo book ("the 1870 Book", nearly in pieces including a printed almanack for 1870) containing (forwards) annual account from 1871 to 1974, mostly comprising one page only and showing receipts from "Letting of Waste Lands" and (backwards) minutes of annual meetings held from 1875 to 1887 being described as or appearing to be of rate payers of Hetton; and (iii) A quarto book ("the 1894 Book") entitled outside "Hetton Parish Meeting Minute Book" and containing minutes of the Parish Meetings at Hetton from 1894 to 1961.





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The Greens (VG.47) which contain (according to the Register) together 0.11 of an acre consist of two triangular pieces; one ("the North Green") with sides about 60, 60 and 10 yards long, and the other ("the South Green") with sides about 9, 9 and 8 yards long. They are both grass land, open and unfenced. On the North Green there are two seats and three flowering trees; on the South Green there is one tree. The houses around are (or replace) the original houses of the Village; the land between the two pieces (O.S. No.120 as shown on the Register map) is walled round.

The 1894 Book contains the following entries:- 21 March 1916, "Seat on Green: ... that the Overseers take charge of the seat on the village green and have it repaired". 22 March 1918, " ... seat on green ... ; that ... the seat be repaired". 20 March 1919 " ... seat; that the Overseers have ... the seat on the village green put into good repair". 30 March 1953, that "the Coronation Committee's offer to plant three flowering trees one at each corner of the green should be accepted." 21 December 1954, "that the Village Seat be put away for Winter & be painted". 22 March 1955 "Tree guards; the guards kindly given by Mr. D. W. Stevenson have been brought & fixed in position".

Mr. Shackleton remembered the trees being planted in 1957 and the tree guards being placed round them. He said that nobody had ever questioned that these greens were the property of the Village. He referred to his letter dated 25 July 1973 to the office of the Commons Commissioners in which he had stated that the Parish had always mown and cared for these areas and that the Parish Meeting had successfully opposed and prevented road alterations proposed by the Rural District Council which would necessitate encroachments on them.

Hetton Common Head (CL.140) which contains (according to the Register) 78.192 acres, in high ground about 3 miles north west of the Village. The land comprised in this Register Unit included originally an area containing a little more than 300 acres between that now comprised therein and Hetton Common Beck; this area was removed from the Register following an objection.

Mr. Shackleton said that the land (the 78.192 acres: CL.140) is now and (as appears from the three Books he produced) has been for many years let by the Parish Meeting with five other waste lands. In the 1854 Book there are entries for each year between 1854 and 1865 recording rent received for Common Head (sometimes spelt "comon" or "hed" or "hedd") of varying amounts, e.g. 1854 £6. and 1865 £9-13-0. In the 1870 Book there are similar entries from 1870 onwards, e.g. 1871 £12-1-0., 1879 £18-10-0, 1897 £8-6-0, 1907 £8-5-0, 1917 £16-10-0, 1929 £28-0-0, 1937 £27-10-0, 1951 £44-0-0, 1969 £52-10-0 and 1974 £113.00; the same Book also records (1874) "Oct. 12. Paid Alan Redmayne for 8½ day work of griping (sic) on Common Head at 4s. 6d. per day 1£ 18s

Mr. Shackleton referred me to entries in the 1894 Book recording resolutions (1911, 1930, 1931, 1939 and 1940) authorising expenditure on griping (making a small trench, furrow, or spade cutting to draw off water), (1914) forbidding the cutting and taking of rushes and (1941) limiting the grazing to sheep.

The evidence outlined above in my view clearly shows that the Parish Meeting is now and has been for many years been in possession of the North Green (part of VG.47) and of Hetton Common Head (the whole of CL.140). Before 1 April 1974 the proper person to hold land on behalf of a parish meeting was the body corporate established by



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section 19 of the Local Government Act 1894 and by section 47 of the Local Government Act 1933 given the name of "the representative body" with the addition of the name of the parish. After 1 April 1974, the proper person is the body corporate established by section 13 of the Local Government Act 1972 by the name of "the Parish Trustees" with the addition of the name of the parish. Being of the opinion that the Parish Meeting have established a possessory title, I am satisfied that the Parish Trustees of Hetton are the owners of the North Green and Hetton Common Head.

The ownership of South Green is not so clear, because the evidence outlined above does not relate particularly to it. If I am not satisfied that any person is the owner, I am required by subsection (3) of section 8 of the 1965 Act as amended by section 189 of the 1972 Act to direct the registration of Craven District Council as owner; such Council was not represented at the hearing, and neither it nor its predecessor Skipton Rural District Council have suggested that subsection (3) should be applicable. The North Green and the South Green are near together, as regards ownership essentially similar. In the absence of any claim by the District Council, I can I think properly conclude that the possession of the Parish Meeting of the North Green extends to the South Green. For these reasons, I am satisfied that the Parish Trustees are also the owners of the South Green.

Accordingly I shall direct the North Yorkshire County Council, as registration authority, to register the Parish Trustees of Hetton as the owners of the lands (CL.140 and the whole of VG.47) 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 23rd day of April 1974

a. a. Baden Fuller

Commons Commissioner

