



COMMONS REGISTRATION ACT 1965

Reference Nos 268/D/275
268/D/276
268/D/277

In the Matter of Bilbrough Green,
Bilbrough, Selby District, North
Yorkshire

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Ownership Section of Register Unit No VG. 155 in the Register of Town or Village Greens maintained by the North Yorkshire County Council and are occasioned by Objection Nos 75 and 1316 made by Mr Tom Ravenscroft Walker and Mrs Tyra Gisberte Walker and noted in the Register on 14 May and 24 September 1970 and by Objection No 84 made by Mr Norman Grisedale and noted in the Register on 24 September 1970.

I held a hearing for the purpose of inquiring into the dispute at York on 23 February 1978. At the hearing Bilbrough Parish Council (the registrations were made in 1969 on the application of the chairman of Bilbrough Parish Meeting) were represented by Mr R Lawton solicitor of Grays, Solicitors of York, and Mr Norman Grisedale (one of the Objectors) and Mrs Florence Beryl Grisedale (together they claimed as successors in title of Mr and Mrs Walker) were represented by Mr G R Burn, solicitor of Hague Dixon and Burn, Solicitors of York.

The land ("the Unit Land") comprised in this Register Unit is north of and fronts for (according to the Register map) about 40 feet on the Main Street of Bilbrough, and has a depth of about 8 feet; it is the forecourt of what is or was a barn a little to the west of Zetland House and south of Ravenscroft. Mr Lawton said that the Parish Council, while not agreeing to all the grounds set out in the Objections, were agreed to my refusing to confirm the Land Section registration. Mr Grisedale in the course of his oral evidence produced a conveyance dated 21 December 1971 by which Mr and Mrs Walker conveyed to him and Mrs Grisedale the Unit Land and some land and buildings to the north and east of it.

In the absence of any evidence supporting the Land Section registration, I refuse to confirm it. I need not deal expressly with the Ownership Section registration because by subsection (3) of section 5 of the 1965 Act, when pursuant to this decision the registration in the Land Section of the Unit Land as a town or village green is cancelled, the registration authority will be obliged at the same time to cancel the registration in the Ownership Section of any person as the owner of it.

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 28th day of February 1978

a. a. Baden Fuller

Commons Commissioner