



COMMONS REGISTRATION ACT 1965

Reference No.45/U/39

In the Matter of Great Ouseburn  
Village Green, Great Ouseburn,  
Nidderdale R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Great Ouseburn Village Green, Great Ouseburn, Nidderdale Rural District being the land comprised in the Land Section of Register Unit No.VG.25 in the Register of Town or Village Greens maintained by the West Riding 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 no person claimed to be the freehold owner of the land in question and no 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 Harrogate on 31 October 1973. At the hearing Great Ouseburn Parish Council were represented by Miss E. M. Wilby their clerk.

Miss Wilby who has lived in the Village since 1953 and been clerk of the Parish Council since 1955, in the course of her evidence said (in effect):- The land ("the Unit Land") comprised in this Register Unit is a triangular piece (with roads along its three sides) in the centre of the Village. There is a path along its south west side; the rest is grass land. The County Council used to cut the grass at the same time as they cut the roadside verges. In 1953, Coronation Year, the Parish Council started a fund to buy trees to mark the event; cherry trees and crab apple trees have been planted on either side of the footpath. About 7 or 8 years ago, with a view to having the grass cut more frequently, the Parish Council arranged for the grass to be cut more regularly with a motor rotary lawn mower; this has been done ever since at the cost of the Parish Council.

Annually in August there is a Fair on the Unit Land with a roundabout, swings and so forth; for which the Fair people currently pay £7.50 to the Parish Council; this Fair has been held (except for one or two years when the Fair people were ill) ever since she could remember. Older inhabitants can remember when the Fair was larger and extended up the side streets; they say it used to be called "The Ouseburn Feast", and was held on or about 8 September annually; the date was altered to the first weekend in August to coincide with Ouseburn Agricultural Show (not now held, but the Fair continued). The Parish Council try to discourage car parking on the grass, e.g. objection was made to a farmer who left a tractor with a load of sugar beet parked overnight.

Whether this evidence establishes the ownership of the Parish Council may not be of much practical consequence, because if I am satisfied as to their ownership, I am obliged under subsection (2) of section 8 of the 1965 Act to direct that they be registered as owner, and if I am not satisfied as to the ownership of any person, I am obliged under sub-section (3) of section 8 to direct that they be registered as owners. In my view the evidence outlined above shows that the Parish Council are in possession of the Unit Land and that it is practically certain that this possession will not be disturbed; possession in such circumstances is equivalent to ownership.



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For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Great Ouseburn 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 *15<sup>th</sup>* day of *November* 1973.

*a. a. Baden Fuller*

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Commons Commissioners

