



In the Matter of High Leir Lane and Clavery
Leylan~~e~~ and adjoining lanes, Old Byland,
Ryedale D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 128 in the Register of Common Land maintained by the North Yorkshire 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 claims to ownership were made by Mr J B Robinson, Mr A Bell and Mr E Ellis.

I held a hearing for the purpose of inquiring into the question of ^{the ownership of} the land at Malton on 24 April 1982.

At the hearing the three claimants appeared in person and Mr J H Morley, Divisional Surveyor of the Registration Authority, also attended.

The land comprised in this Register Unit ("the Unit land") consists, according to the Register description, of pieces of land known as High Leir Lane and Clavery Leylane and other adjoining lanes marked with a green verge line on the register map. This map shows in addition to the two named lanes one running from north to south: High Leir Lane ("the Lane") runs from west to east and at its eastern end has a junction ("the junction") with the north-south lane. The claims before me relate to the ownership of the grass verges of different stretches of the Lane.

Mr Robinson's claim relates to two stretches - one ("the S Stretch") on the southern boundary of the Lane and extending from the point marked X to the point marked Y on the attached plan. The other stretch ("the N Stretch") is on the northern boundary ~~and~~ and extends eastwards from the westernmost end of the Unit land to the point marked Z on the plan.

Mr Ellis's claim is to a stretch ("the E Stretch") on the northern boundary of the Lane extending from the junction westwards to point Y on the plan.

Mr Bell's claim is to a stretch ("the B Stretch") on the southern boundary of the Lane extending from the western end of the Unit land to point Y on the plan.

From copies of title deeds and plans supplied by each claimant it appears that each is the owner of property which has a common boundary with the Lane along the stretches which they respectively claim. The deeds and plans do not enable it to be ascertained whether the properties include the verges along these stretches: and in evidence by the claimants I was told that in parts there is a hedge or wall between their lands and the outer edges of the verges. Mr Robinson acquired his lands in 1963 and 1966, Mr Ellis in 1952 and Mr Bell in 1946, and each had maintained the verges in question and taken hay where this was suitable.



I was told that the verges were some 30' wide and the tarred surface of the Lane about 10' wide. Mr Morley said that the County Council did not claim ownership or that the verges were highway: nor were the claims opposed, though he said he was not enthusiastic about them.

In the absence of any other claim to ownership I am prepared to act on the presumption as to the ownership of strips of waste land adjoining owned land in the landowner, and accept the three claims.

I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Mr Robinson, Mr Bell and Mr Ellis as the owners of the grass verges of the stretches they respectively claim under section 8(2) of the Act of 1965. The remaining parts of the Unit land, as to which I am not satisfied that there is an owner, will remain subject to protection under section 9 of the Act.

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

8 October

1982

L. J. Morris Smith

Commons Commissioner