

Reference No 268/U/50

In the Matter of Job Hole Village Green, Kirkbymoorside, Worth Yorkshire.

## DECISION

This reference relates to the question of the ownership of land known as Job Hole Village Green, Kirkbymoorside, being the land comprised in the Land Section of Register Unit No VG 116 in the Register of Town or Village Greens maintained by the former North 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 Mrs M E B Cooke, Mr N J Cooke, and Mr R K Cooke claimed to be the freehold owner of the land in question and no other 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 Malton on 11 October 1977.

At the hearing I received evidence from Mrs Cooke. The land the subject of the reference is a triangular area opposite a house known as "The Green", in which Mrs Cooke has resided since 1940.

In 1940 there were three trees on the land. One died and was replaced; the second was causing excessive loss of light to the windows of the house and was cut down; and the third has been lopped in recent years to prevent excessive obstruction of light to the house. In each case the cost of the work was borne by members of Mrs Cooke's family.

About 1962 Mrs Cooke and her husband were asked by the then Chairman of the Kirkbymoorside Parish Council for permission to place some old stone mounting steps on the land. The steps had had to be removed from another part of Kirkbymoorside, and Mrs Cooke and her husband gave the permission sought.

The owners of the house have, in my view, acquired a possessory title to the land in question. The present owners are Mrs Cooke, Mr R K Cooke, and Mr N J Cooke.

On this evidence I am satisfied that Mrs Cooke, Mr R K Cooke, and Mr N J Cooke are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them 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

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day of March

1978

CHIEF COMMONS COMMISSIONER

