



COMMONS REGISTRATION ACT 1965

Reference No.268/U/39

In the Matter of Land to the West and South-West  
of Castle Hill, Brompton-by-Sawdon, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land to the west and south-west of Castle Hill, Brompton-by-Sawdon, being the land comprised in the Land Section of Register Unit No.CL 246 in the Register of Common Land 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 the Duchy of Lancaster and the Brompton-by-Sawdon Parish Council each 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 Scarborough on 7th November 1974.

At the hearing the Duchy of Lancaster was represented by Miss S.Cameron, of counsel, and the Brompton-by-Sawdon Parish Council by Mr C.P.Evans, its Clerk.

The land the subject of the reference is a half-moon-shaped bank at the foot of Castle Hill. It and the rest of the castle mound were declared by the Pickering Inclosure Act of 1785 (25 Geo.III, c.26 (private)) not to be part of the common land to be inclosed and to remain the property of The King. The land the subject of the reference was included with other land in a lease made to the former Brompton Parish Council by the Duchy on 28th April 1923. It is not certain when this letting was terminated, but the land has been in hand since the current files kept by Mr R.H.B.Hammersley, the Surveyor of the Duchy's Yorkshire Estate, were started in 1954. Mr Hammersley has looked after this land since that date. On 28th September 1964 he gave permission, which was acted upon, for the planting of daffodil bulbs, and four years ago five chestnut trees were planted on his directions.

On this evidence I am satisfied that Her Majesty The Queen in right of Her Duchy of Lancaster is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Her Majesty in such right as the owner 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 26th day of November 1974

  
Chief Commons Commissioner

