



COMMONS REGISTRATION ACT 1965

Reference No.268/U/30

In the Matter of Newbridge Green,
Pickering, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Newbridge Green, Pickering, being the land comprised in the Land Section of Register Unit No.CL 359 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 claimed to be the freehold owner of the land in question and Mr John Rushton 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, the Ryedale District Council by Mr A.H.L.Hoppe, legal executive, the Pickering Town Council by Mr C.R.Richardson, its Clerk, and Mr Rushton appeared in person.

The land the subject of this reference consists of 1.052 ac. forming the northern end of an area of about 7 ac. which was allotted by the inclosure award made under the Pickering Inclosure Act of 1785 (25 Geo.III c.26 (private)) as a common marl and stone pit. The land in question is not now a stone pit and is covered with grass. By the award the herbage was allotted to the Surveyors of Highways, but the allotment as a marl and stone pit was not made to any person, so that it would seem that the soil remained vested in the Duchy as lord of the manor of Pickering. However, in the Pickering Tithe Award the owners and occupiers of the common quarries are stated to be "Pickering Township". If there were no other evidence, I would hold this statement as to the ownership to be a mistake caused by the use of the quarry and the enjoyment of the herbage by the Surveyors of Highways.

However, Miss Cameron put her case on an alternative basis, arguing that the later evidence showed that the Duchy had acquired the Green either by conveyance or adverse possession. There was no direct evidence of a conveyance, but for many years past a house immediately to the north-east of the Green has been occupied by the head forester employed by the Duchy. Mr J.J.Reid, the present head forester, has lived in this house since 1946. During that time he has been responsible for the cutting of the grass on the Green by Duchy employees. He has also controlled the use of the Green by giving and withholding permission for its use for picnics and by children for games. The access to Mr Reid's house is across the Green by a cart-track, which has been metalled and kept in repair by Duchy employees. In pursuance of a grant by the Duchy made 8th July 1959 the former Pickering Urban District Council





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laid a water-pipe across part of the Green, and subsequently the Duchy laid a pipe across another part of the Green to supply water to Mr Reid's house.

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 25th day of November 1974

A handwritten signature in dark ink, appearing to read 'J. D. G. M. B.', written over a horizontal line.

Chief Commons Commissioner