



In the Matter of Newby Green, Clapham
Cum Newby, Craven

DECISION

This dispute relates to the registrations at Entry No 1 in the Land Sections and at the Entries in the Rights sections of Register Unit No. CL.273 in the Register of Common Land and ^{and} the Register of Town or Village Greens maintained by the North Yorkshire County Council and is occasioned by the conflicting registrations in the two land sections.

Register Unit
 No. VG.41 in

I held a hearing for the purpose of inquiring into the dispute at Skipton on 19 October 1982. The hearing was attended by Mr J C Moslin, Chairman of and representing Clapham Parish Council, ^{and} by Mr I Lewthwaite of the National Farmers Union, representing the applicants for registration in the Rights Section of CL.273.

The registration as a Village Green (VG.41) was made in January 1968 on the application of the Parish Council. Then, following an application to register rights made in May 1968², the same land, Newby Green, was registered as Common Land (CL.273) in June 1968. There are now in all 38 separate grazing rights registered over this land and two other areas registered as common land (CL.137 and CL.276). These grazing rights were registered over CL.273 and by virtue of regulation 14 of the Commons Registration Regulations 1966 are deemed to be also registered over VG.41.

Mr Maslin called four witnesses Mr L I Chippendale, Mr T Chippendale, Mr G Allinson and Mr R Hird and also produced a letter from Mrs B Noble. I was satisfied on the evidence, which was not seriously challenged by Mr Lewthwaite, ~~that~~ the land qualified for registration as Village Green as having been used by the inhabitants of Newby Village for lawful sports and pastimes as of right for not less than twenty years. Mr Lewthwaite did not call any evidence but he told me that he had been secretary since 1967 of a body called Newby Land Owners which instigated and at first paid for repairs to the land, though now the cost was shared with the Parish Council; and that the registration as Village Green was registered because, if confirmed, there was apprehension of the exercise by the Parish Council of powers in relation to it.

As regards the rights the Parish Council had not made an express objection and did not challenge the existence of those rights over the land if confirmed as a Village Green. From the evidence I heard ^{it} appeared that in fact there was little, if any regular grazing on the land, though some sheep might go over it and graze en passant on their way to or from their regular grazing ground.



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Since I am satisfied that the land properly qualified for registration as Village Green I think the appropriate course is (a) to refuse to confirm the registration as Common Land (b) to confirm the registration as Village Green (c) to confirm the deemed registration in VG.41 Rights Section of the rights actually entered in the CL. register; and this I do.

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

19th

day of

November

1982

Handwritten signature of L. J. Morris Smith.

Commons Commissioner