



COMMONS REGISTRATION ACT 1965

Reference No. 45/U/215

In the Matter of Parish Quarry, Hensall,
Osgoldcross R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Parish Quarry, Hensall, Osgoldcross Rural District being the land comprised in the Land Section of Register Unit No. CL.492 in the Register of Common Land maintained by the West 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 no person claimed to be the freehold owner of the land in question and no 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 Wakefield on 5 February 1974. At the hearing Hensall Parish Council were represented by Mr. O. L. Tune their clerk; Mr. T. L. Medgley their chairman was present.

Mr. Tune who has lived in the Parish for the last 41 years (he is now 80 years of age) and has been clerk of the Parish Council since June 1966 gave evidence.

The land ("the Unit Land") comprised in this Register Unit (according to the Register its area is 0.428 hectares: a little more than an acre) is situate a few yards south of Hensall railway station, on the southeast side of the road. Its frontage on this road is about 200 feet, more if a small triangular piece at the north corner be included; its depth measured from the road is also about 200 feet. It slopes down from the road to a bank which forms its southeast boundary. It looks like a worked out gravel pit.

The Unit Land is now for the most part sand and scrub; occasionally local people take gravel out of it for some small purpose, e.g. completing a drive. Part is now used by the Rural District Council for dumping road materials, such as sand and soil. To the southeast and northeast there is a scrap yard, the proprietor of which for a way leave over the Unit Land pays a rent to the Parish Council.

In 1933 (when Mr. Tune first knew it) the Unit Land looked much as now except on it there were three wooden buildings used as a joiners shop (Mr. Boothman), a general shop and a fish and chip shop. These shops closed down during the war; the joiners shop (and possibly the others) re-opened afterwards; then continued (the joiners shop being the last) for some years (perhaps the early 1950's). The Unit Land has not been used since.

Mr. Tune produced the Parish Council Minute Book for meetings from 1894 to 1931. At meetings on 26 June, 4 September, 2 October and 30 October 1896, a payment of £8-8-6 was authorised to post and rail "the Gravel Quarry", the clerk was directed to write to the Wakefield Deeds Registry for a copy of the Award having reference to "Hensall Gravel Quarry", to write letters telling Captain Atkinson that he had no authority to let or dispose of "the Gravel Quarry as it is the Township's property"



and that the Council was "not aware of any agreement". At a meeting on 25 June 1897, the letting of "the Gravel Pit to Joseph Priestley of the Railway Hotel for £1 per year rental" was authorised. Between the minutes of the meetings held on 12 April and 23 August 1907 there has been written in the Minute Book a "Statement of Property belonging to Hensall Parish Council"; comprising two items, the second being: "One other parcel of land one acre in extent used for getting sand or gravel as requested by the Parish and the estate let to Joseph Priestly for £1 per annum tenancy from 2nd February each year". At meetings on 16 April 1923 and 23 March 1926, a tenancy agreement of Gravel Quarry to Mr. W. G. Bootham was authorised and approved. At meetings on 15 September 1927, 30 July, 19 November and 24 November 1928, it was decided not to sell the Gravel Quarry to Mr. Bootham (he had offered to buy), to allow Mr. Ogle to cart sand and gravel through the Parish Quarry he paying £2 per annum, to allow Mr. Ridley for five shillings per year to erect a wood building on "the site of the Gravel Quarry belonging to Hensall Parish Council as from 1 January 1927", to accept a statement from Mr. Ogle that he had removed land and gravel from the Parish Quarry, to send him an account for fifty tons and to authorise Mr. Watson who had taken over his business to be accepted in substitution for Mr. Ogle, and discuss at a meeting with representatives of York Amalgamated Products Ltd. a possible sale of the sand and gravel on the south side of the Quarry "adjoining Mr. and Mrs. Boothman's property and belonging to the parish of Hensall", and (ultimately) to sell such sand and gravel to Mr. Davidson for £6-10-0. (was it recorded on 21 January 1929 that this £6-10-0 had been paid).

Mr. Tune said there was no record of any Award referring to Hensall Quarry having ever been produced by the Deeds Registry; Hensall Inclosure Award did not show it; the Parish Council have no deeds. The Boothams mentioned in the Minutes were he thought the same as those who he remembered managing the joiners shop. He did not recollect Mr. Ridley. The first item in the 1907 statement is still owned by the Parish Council and regularly let by them.

Mr. Tune also produced the Parish Council Minute Book from March 1931 to date; the entry for 4 August 1932 includes:- "Mr. Walker chairman of the Parish Council and the Clerk attended the Courthouse at Skaithe with reference to letters from the Ministry of Health giving information with reference to the land and gravel quarry belonging to the Parish of Hensall, Mr. Henry Walker gave information with regard to the period of time he had known it being in possession of the Parish of Hensall & took oath that the statement made and answers given to the best of his knowledge and belief were true. The attestation was then signed by G. F. Ogle, presiding Magistrate

On the evidence above summarised I am satisfied that the Parish Council is the owner of the Unit Land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Hensall Parish Council 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 15th day of February 1974.

A. A. Baden Fuller