



COMMONS REGISTRATION ACT 1965

Reference No 268/D/233 & 234

In the Matter of Pieces of land
at Sutton on the Forest, Hambleton D

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and Entry No 1 in the Rights Section of Register Unit No CL. 394 in the Register of Common Land maintained by the former North Riding County Council and are occasioned by Objection No 0541 made by the County Surveyor and noted in the Register on 29 August 1972.

I held a hearing for the purpose of inquiring into the dispute at York on 1 July 1976. The hearing was attended by Mr Boon on behalf of the County Surveyor and Mr Peel chairman of the Sutton on the Forest Parish Council.

Mr Peel did not dispute that the whole of the land in question except for a small island site was highway land. Mr Skinner the applicant for Rights did not appear and I was told that he had no intention of pursuing his claim for rights.

As regards the small island site, in the absence of any effective Entry in the Rights Section or any evidence that it is waste of a manor I am not satisfied that it is common land as defined by the Act of 1965. This small piece of land can best be administered by agreement between the Highway Authority and the Parish Council.

For these reasons I refuse to confirm the registrations at No 1 in the Land Section and No 1 in the Rights Section.

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 22nd day of July 1976

C. A. Settle

Commons Commissioner