



In the Matter of pieces of land known  
as Village Green, Langcliffe, Craven D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 157 in the Register of Town or Village Greens maintained by the North Yorkshire County Council and is occasioned by Objection No. 1536 made by Mr C G Ellis and noted in the Register on 14 June 1972.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 9 October 1980. The hearing was attended by Mr Ellis in person and by Mr J H Glover, Chairman of and representing Langcliffe Parish Council, on whose application the registration was made.

The land comprised in this Register Unit consists of a number of smallish areas in Langcliffe. The Objection relates to a part of one of these areas which adjoins Mr Ellis's property, known as the Old Vicarage, on its south side. The strip is a bank between the wall of this property and a roadway or track: there is a gate in the wall and a path over the strip from the gate to the roadway. There are two seats on the strip which people use. Mr Glover in evidence said that children play on it and that the Parish Council sees to the mowing of the grass: and Miss Beth Graham, who was born in 1926 and is a member of the District and County Councils said that in her childhood it was part of a larger and rougher area on which children played. In a Statutory Declaration, Clarice Phillipson who has lived in the village for 48 years said she had always known the strip to be Council ground and that the Parish Council had regularly mown the grass and erected the seats.

Mr Ellis was a tenant of the Old Vicarage from 1957 to 1965. In Conveyances of the Old Vicarage, one in 1945 to Mr P J Paley and the second in 1965 by Mr Paley to Mr Ellis there was included "all such estate and interest ~~in~~ the Vendor now has in (the strip)", and Mr Ellis said that he had always understood the strip was part of his property, and that he had placed stones on the edges to protect the grass.

I am not concerned to determine the ownership of the strip but whether it qualified for registration as village green. 'Village Green' is defined in Section 22(1) of the Commons Registration Act 1965, and the only part of the definition which, on the evidence, may be applicable is "land...on which the inhabitants of any locality have indulged in lawful sports and pastimes as of right for not less than 20 years" ie. the 20 years immediately prior to the passing of the Act. In my opinion the evidence does not establish that the strip satisfies this definition and I think that the Objection succeeds. In the result I confirm the registration with the exclusion of the strip from the land comprised in the registration.

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

5 November

1980

*L. J. Morris Smith*  
Commons Commissioner

COMMONS REGISTRATION ACT 1965



Reference No. 268/D/316-317

In the Matter of Goathland Moor, Scarborough B

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DECISION

This dispute relates to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1 to 49 in the Rights Section of Register Unit No. CL 4 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 085 made by <sup>the</sup> Secretary of State for Defence and noted in the Register on 14 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Scarborough on 27 April 1982. The hearing was attended by Mr R Smailes, Clerk to Goathland Parish Council, Mr J E Lloyd and Mr H Pearce, Mr Smailes, Mr Lloyd and Mr Pearce, as well as the Parish Council, are provisionally registered as rights holders.

The Objection relates to three small pieces of land, part of the Moor, which are shown on the plan accompanying the Objection. The registration as common land was made by the Registration Authority without application. All the rights holders have consented to the exclusion from the common land registration of the three pieces of land, and in these circumstances I shall confirm the registration in the Land Section modified by excluding these pieces of land, and confirm the registrations in the Rights Section, which will take effect subject to the modification.

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

21 June

1982

*L. J. Morris Smith*

Commons Commissioner