



In the Matter of Ratten Row Common,
Thruscross, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Ratten Row Common Thruscross being the land comprised in the Land Section of Register Unit No. CL.371 in the Register of Common Land maintained by the North Yorkshire 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 Yorkshire Water Authority claimed to be the freehold owner of the land in question and Mr Barry Plummer claimed to be the freehold owner of part thereof but no other 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 Harrogate on 10 March 1987.

The Yorkshire Water Authority appeared by Miss Ruane, a Legal Executive in its employ.

Mr Barry Plummer appeared in person.

The Thruscross Parish Meeting (which had appeared by Alderman Deacon at the previous hearing on the 10 May 1977) did not appear.

Miss Ruane produced:-

- (i) An original conveyance dated the 31st March 1977 between Leeds City Council and Yorkshire Water Authority;
- (ii) An original Indenture dated the 1st December 1899 between John Richardson and others and the Lord Mayor Alderman and Citizens of Leeds.
- (iii) An epitome of title prepared by her and other deeds.

I was satisfied that:-

- (a) the land coloured blue and numbered 9 on plan no. 1 to the conveyance of the 31st March 1977 (being part of the property thereby conveyed to Yorkshire Water Authority) and
- (b) the land coloured pink and numbered 116 on the plan to the Indenture of the 1st December 1899 (being part of the property thereby conveyed) included the unit land.



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Miss Ruane gave evidence and I was satisfied that:-

- (i) None of the documents referred to in the First Schedule to the 1977 conveyance affected the unit land;
- (ii) None of the documents referred to in the Second Schedule thereto related to the unit land;
- (iii) The unit land was part of the freehold property conveyed by the 1899 Indenture;
- (iv) Ever since the date of the 1977 conveyance the Yorkshire Water Authority had collected the rents arising under an agricultural tenancy of the unit land (together with other land);
- (v) On the 23rd July 1986 the agricultural tenants had surrendered part of the land comprised in their tenancy including part of the unit land to the Yorkshire Water Authority.
- (vi) On the 3rd September 1986 the Yorkshire water Authority had sold part of the unit land (together with other property) to Mr Plummer.

Mr Barry Plummer produced an original conveyance dated the 3rd September 1986 between (1) Yorkshire Water Authority and (2) Barry Plummer and Dorothy Ruth Plummer (his wife). I was satisfied that this conveyance conveyed a small part of the unit land to Mr Plummer and his wife. The quality of the plan on the conveyance was however so poor that it was impossible to ascertain therefrom, the precise boundary between the part of the unit land conveyed to the Plummers and the part being retained by Yorkshire Water Authority.

Miss Ruane agreed to prepare a copy of the Register Plan clearly showing the line of the boundary between the part of the unit land conveyed to Mr & Mrs Plummer and the part of the unit land retained by Yorkshire Water Authority and indicating the parts vested in each of them respectively. It was agreed that this plan should be signed by Miss Ruane on behalf of Yorkshire Water Authority and Mr Plummer on behalf of himself and his wife and sent as soon as possible to the Clerk to the Commons Commissioners.

The agreed plan was received by the Clerk to the Commons Commissioners on the 18th March 1987. A copy of the agreed plan will be sent with this decision to the Registration Authority but will not be sent with other copies of this decision.

On this evidence I am satisfied that Barry Plummer and Dorothy Ruth Plummer are the owners of that part of the land so indicated on the agreed plan and that Yorkshire Water Authority is the owner of the remainder of the land. I shall accordingly direct the North Yorkshire County Council, as registration authority to register Barry Plummer



and Dorothy Ruth Plummer both of 9 New Lane Burton Salmon Leeds LS2J SJR as the owners of the part of the land so indicated on the said plan and Yorkshire Water Authority as owner of the remainder of the land.

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 31st day of March 1987

Mati Rott

Commons Commissioner

