



In the Matter of Riverside Common and Gravel Bed,
Great and Little Broughton, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Riverside Common and Gravel Bed, Great and Little Broughton, being the land comprised in the Land Section of Register Unit No. CL 36 in the Register of Common Land maintained by the former North Riding of 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 no person claimed to be the freehold owner of the land in question and no one 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 Northallerton on 9 March 1977.

At the hearing the Great and Little Broughton Parish Council was represented by Mr F C Foster, its Chairman. Mr Foster informed me that the Parish Council had cut the grass on the Riverside Common and maintained its banks, but I do not regard such work as adverse possession on which a possessory title could be based, for the true owner would not be likely to object to such ameliorative work on his property.

So far as the Gravel Bed is concerned, Mr Foster had no evidence as to its ownership. He informed me that the Parish Council was anxious to be registered as the owner of this land because the rights to take gravel had been erroneously registered as being appurtenant to the houses of a former Chairman and Clerk of the Parish Council and it was desired to allow parishioners to continue to take the gravel. My jurisdiction is, however, to satisfy myself, if possible, who is the owner of the land and not to decide who should be the owner.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 17th day of May 1977

Chief Commons Commissioner

