



## COMMONS REGISTRATION ACT 1965

Reference No.45/U/29

In the Matter of Roman Road, Hampsthwaite,  
Nidderdale R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Roman Road, Hampsthwaite, Nidderdale Rural District being the land comprised in the Land Section of Register Unit No.CL.163 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 Harrogate on 31 October 1973. At the hearing Hampsthwaite Parish Council was represented by Lieutenant-Colonel G. N. Bailey who now is and for the last two years has been their clerk.

The land ("the Unit Land") comprised in this Register Unit is a strip about 180 yards long; at its east end (there about 20 feet wide) it adjoins the west side of the Churchyard of the Parish Church, and at its west end (there about 37 yards wide) it adjoins the road out of the Village to Birstwith. It contains (according to the Register) .44 of an acre. There is a rough road or footpath along its whole length, bounded by a hedge on one side and a wall on the other side with a lot of coarse grass, shrubs and weeds.

Colonel Bailey in the course of his oral evidence produced three minute books of the Parish Council (i) 1927 to 1937, (ii) 1937 to 1962, and (iii) 1962 onwards. These books contained about 10 entries between 1934 and 1964 showing that the Parish Council were concerned with the untidy state of Church Lane, and had from 1961 onwards made payment to persons to keep it tidy. During his clerkship, the Parish Council have made payments for keeping the Unit Land tidy.

Mr. G. U. Averdieck, who is 75 years of age, has lived in the Village since 1934, and been a member of the Parish Council from 1946 to 1961, in the course of his oral evidence said:- The Unit Land now known as Roman Road was formerly called Church Lane or Green Lane. Recently the name of a road in the Village was changed from Church Street to Church Road, and to avoid confusion the name of Church Lane was at the same time changed to Roman Road, it having at one time been a Roman Road; later it was on the line of the mediaeval road between Fountains Abbey and Bolton Abbey Ever since he had known it, it has been very overgrown; nevertheless for those entering the Village from Birstwith, it provided a convenient entrance on foot to the Churchyard and beyond. He confirmed that payments had been made by the Parish



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Council to keep Church Lane tidy as recorded in the Minute Books.

Written evidence was given by Mr. F. Horner (he farms the adjoining land) that for many years until about 5 years ago one of his farm workers kept in order the rough lane known as Roman road on payment by the Parish Council.

On the evidence outlined above I conclude that the Parish Council are in possession of the Unit Land, and that it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership. For this reason, I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Hampsthwaite 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

9/11

day of

November

1973.

A. A. Baden Fuller

Commons Commissioner