



Reference No. 268/U/320

In the Matter of Roundhill,
Threshfield, Craven District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Roundhill, Threshfield, Craven District being the land comprised in the Land Section of Register Unit No. CL94 in the Register of Common Land maintained by the North Yorkshire (formerly 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 Threshfield Parish Council claimed (letter dated 24 November 1984) ownership of the land, they having received rent from it for over 30 years; and Messrs Jeremiah Stockdale and Colin Reeder as executors of Mr C Kitching claimed (their Solicitors' letter of 12 November 1984) ownership, a claim which they later (their Solicitors' letter of 14 January 1985) decided not to pursue. No other person claimed to be the freehold owner of the land in question or 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 Skipton on 5 February 1985. At the hearing (1) Threshfield Parish Council were represented by Mrs Catherine Jane Harrison their vice chairman; and (2) Mr Colin Reeder as one of the executors of Mr Charles Kitching who died in January 1984 attended in person on his own behalf and as representing his coexecutor.

The land ("the Unit Land") in this Register Unit is a piece containing about 8 acres and adjoins the northeast side of a minor road (near one of its higher points) leading westwards out of Threshfield to Malham Moor; just outside its north and east sides are quarry faces which give to a person walking on the Unit land the sensation of being at the top of a steep cliff. There is much scrub on the Unit Land. From the top there are attractive views. Although not at its best when I saw it (covered with snow), it apparently has some amenity value for those of Threshfield as an interesting place to visit.

Mrs Harrison in the course of her oral evidence produced the documents specified in the Schedule hereto. She explained that the Parish Council had not after 1971 let the Unit Land because it included rare flowers and would be better as a nature reserve.

I feel some doubt whether the Parish Council can as Mrs Harrison suggested, be regarded as the regular successor of whoever became under the 1827 Award in law the owner of it for an estate in fee simple. But I need not consider this question, because I conclude from the documents produced that the Parish Council has since its formation in 1894 been in possession of the Unit Land and such possession is some evidence of ownership. In the absence of any contrary evidence (none was offered by Mr Reeder) I am satisfied that the Parish Council are the owners of the Unit Land, and I shall accordingly direct the North Yorkshire County Council as registration authority, to register Threshfield parish Council as the owners of the land under section 8(2) of the Act of 1965.



I am required by regulation 30(1) of the 3 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.

SCHEDULE
(documents produced)

PC/1	18 October 1827	Copy from Registry of Deeds, West Riding of York of Inclosure Award made under Threshfield and Skirethornes and Burnsall Inclosure Act (45 Geo 3 c.66). "And it was in the ... the said recited Act enacted that they the said Commissioners ... were empowered ... to set out such plots of ground ... for the purpose of getting stone or gravel for the use of the highways in the respective townships or places where the same should be so set out and also to be used by any person or persons his her or their heirs executors administrators and assigns who should be entitled to any allotment cattlegates or parts of cattlegates where the said plot or plots of ground respectively be so set out and that for any purpose whatsoever (except for sale) either there or elsewhere ... THEREFORE we the said Commissioners ... Do hereby set out ... ALSO ONE other allotment or parcel of land situated in Skirethornes Wood and described in the annexed plan thereof Quarry Number 7 and containing 3 r and 37 p. and bounded
PC/2	20 May 1840	Manor of Threshfield: the Court Leet view of frank pledge ... with the Court Baron of the Most Noble William Spencer Duke of Devonshire ... "An acknowledgement of one Penny is required from John Clarke for his enclosure of the Roundhill in Skirethornes Wood being waste".
PC/3	5 May 1841	Ditto ... "It appearing that the Roundhill in Skirethornes Wood was allotted by the Commissioners for a Quarry the acknowledgement of one penny is paid to the Surveyor of the Road.
PC/4	25 July 1973	Decision of the Chief Commons Commissioner: reference 45/D/9.
PC/5	1895-1949	Extracts from the minutes of Threshfield Parish Council.
PC/6	1950-1962	Ditto
PC/7	1962-1963	Ditto
PC/8	1963-19	Ditto



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PC/9	1894-1933	Minute Books of Threshfield Parish Council.
PC/10	1935-1953	Ditto.
PC/11	1953-1962	Ditto

Dated this 27th day of March 1985.

A. A. Baden Fuller

Commons Commissioner