



COMMONS REGISTRATION ACT 1965

Reference No 268/U/211

In the Matter of The Green,
Romanby, Hambleton District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Green, Romanby, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 37 in the Register of Town or Village Greens 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 Romanby Parish Council claimed to be the freehold owner of the land in question and 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 Northallerton on 21 February 1978. At the hearing Romanby Parish Council were represented by Mr C J R Procter solicitor with Hunt & Wrigley, Solicitors of Northallerton and Mrs Doreen Temple on whose application the registration was made, attended in person. Present also was Mr D Hall-Pattinson of 28 The Green.

Mr Procter in the course of his evidence produced a conveyance dated 10 May 1963 by which the Church Commissioners for England conveyed to the Parish Council the land ("the Unit Land") comprised in this Register Unit (on the map annexed marked as 9.925 acres) except a small area ("the Excepted Area") being a piece (approximately square) on the north side of the road which crosses the Unit Land from east to west. He said that the Parish Council had kerbed the Unit Land and maintained it in excellent condition as far as grass cutting is concerned; he understood that some time before 1963 a fence round the Excepted Area had been taken down, and the Area had ever since been treated as part of the Green.

Mrs Temple who has lived in Romanby for the last 21 years and before that at Northallerton nearby, said that the Excepted Area as she first remembered the Green (about 40 years ago) was fenced as a garden for the adjoining house on the north, but soon afterwards (she could not remember the circumstances) the fence was removed and the Excepted Area then became part of the Green.

On this evidence I am satisfied that Romanby Parish Council are the owners of the all the Unit Land other than the Excepted Area, but I am not satisfied that any person is the owner of the Excepted Area, and I shall accordingly direct the North Yorkshire County Council as registration authority to register Romanby Parish Council as the owner of the land other than the Excepted Area under section 8(2) and of the Excepted Area under section 8(3) 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 2nd day of March — 1978

a. a. Baden Fuller

Commons Commissioner