



COMMONS REGISTRATION ACT 1965

Reference Nos 268/D/122 to 129
inclusive

In the Matter of The Green,
Sutton on the Forest,
Hambleton D

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and Entry Nos 1 and 2 in the Rights Section and Entry No 1 in the Ownership Section of Register Unit No CL. 183 in the Register of Common Land maintained by the former North Riding County Council and are occasioned by Objection No 0357 made by Bass Ltd and noted in the Register on 11 November 1970, Objection No 0431 made by D J Jacobs noted in the Register on 24 July 1972, Objection No 0444 made by Mrs E A Reader noted in the Register on 27 July 1972, Objection No 0445 made by P C and M D Knowlson noted in the Register on 27 July 1972.

I held a hearing for the purpose of inquiring into the dispute at York on 1 July 1976. The hearing was attended by Mr Fowler of Messrs Denison Suddards & Co on behalf of Bass Ltd, Mr D J Jacobs in person and on behalf of Mrs E A Reader, now Mrs Watson, and on behalf of P C & M D Knowlson and Mr Peel on behalf of Sutton on the Forest Parish Council. Mr Fowler produced a conveyance dated 24 December 1927 whereby the Personal Representatives of Mr Melor conveyed to the Tadcaster Brewery the Rose and Crown adjoining the south side of the Town Street with garth outbuildings and other appurtenances thereto belonging and established that Bass Ltd is the successor to Tadcaster Brewery. It was common ground that the land the subject of Objection No 0357 was tarmaced about 10 or 12 years ago and has been used as a car park for the patrons of the Rose & Crown. Capt Wombwell has withdrawn his claim to ownership of this land and also to ownership of the land the subject of Objection Nos 0431, 0444 and 0445 but not to any other part of the land in question.

The Parish Council's claim that the land in question is common land is based on the assertion that Capt Wombwell is the owner as Lord of the Manor and that the land is waste of the Manor.

Mr Jacobs produced photographs which, by virtue of the presence on those photographs of a well which ceased to exist in 1912 must have been taken prior to that date, showed all the lands claimed under Objections 0431, 0444 and 0445 to have been fenced in and forming part of the adjoining properties. The Highway Authority has made no claim to any of the land in question. In these circumstances I am satisfied that none of the lands the subject of the four above mentioned objections is waste of a manor and it cannot therefore be common land. Neither of the two claimants for common rights appeared to support their claims and I was told that Mr Skinner (Entry No 2) had withdrawn his claim.

For these reasons I confirm the Entry at No 1 in the Land Section modified so as to exclude the lands the subject of the four above mentioned objections; I refuse to confirm the Entries at Nos 1 and 2 in the Rights Section and I confirm the Entry at No 1 in the Ownership Section modified so as to exclude the lands the subject of the four above mentioned Objections.



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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 22 day of July 1976

C A Little

Commons Commissioner