



COMMONS REGISTRATION ACT 1965

Reference No 268/D/278

In the Matter of the Oval, Park
Drive, Harrogate Borough, North
Yorkshire

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 508 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No 374 made by C E Cowen (Builders) Limited and noted in the Register on 20 April 1971.

I held a hearing for the purpose of inquiring into the dispute at York on 23 February 1978. At the hearing Harrogate Borough Council were represented by Mr M Blythe solicitor in the department of their Chief Executive.

The registration was made on the application of Mr Sidney Kiddle of 31 Park Drive. The land ("the Unit Land") comprised in this Register Unit is (according to the Register map) situate on the outside of a road called (appropriately) the Oval, and on the inside of four roads which together form a quadrilateral surrounding the Unit Land. The grounds of Objection, stating their effect shortly, are that the Unit Land was conveyed to the Objectors by a conveyance dated 17 January 1956, and has been retained by them and been at all times and remains private land.

I have a letter dated 15 February 1978 signed by Mr Kiddle and addressed to the Commons Commissioners in which he says that for various personal reasons set out in the letter, and with great reluctance, he has to ask the Commons Commissioners to withdraw his application. I also have a letter dated 17 February 1978 from Powell, Eddison, Freeman & Wilks, Solicitors of Harrogate written on behalf of the Objectors in which they agree to the withdrawal of the application for registration lodged by Mr Kiddle.

Mr Blyth said that the Borough Council wished to make no representations in this matter.

In the circumstances outlined above, and in the absence of any evidence, I conclude that the registration was not properly made, and accordingly I refuse to confirm it.

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 28th — day of February — 1978

a. a. Boden Felkin

Commons Commissioner