



In the Matter of The Pinfold and Land  
adjacent to the Congregational Chapel,  
High Street, Great Ayton, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as The Pinfold and land adjacent to the Congregational Chapel, High Street, Great Ayton, being the land comprised in the Land Section of Register Unit No. CL 93 in the Register of Common Land maintained by the former North Riding of 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 Mr T Cowell and Mr C Ray claimed to be the freehold owners of parts 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 8 March 1977.

The hearing was attended by Mr E Brown, the Clerk of the Great Ayton Parish Council, Mr Cowell, and Mr Ray.

The land the subject of the reference consists of two open areas on the south side of the High Street in Great Ayton, each of them having a hard surface made of hardcore. Mr Brown informed me that the Parish Council had kept them clean and in July 1972 had spent £72.36 to prevent part of the westernmost from falling into the River Leven, but that, in my view, would not give a title by adverse possession.

The westernmost area lies to the west of a former Congregational church, which was conveyed to Mr Cowell on 17 January 1977. A strip 10 ft wide on the eastern side of this area has for many years been used as a means of access to the church. On 2 April 1976 Mrs A L Bywater, the Church Secretary, wrote to the Clerk of the Commons Commissioners stating that on behalf of the Congregational Church she wished to claim rights of access over at least 10 ft of land from the church frontage and on 29 June 1974 a note was made in the Register that such a right was claimed. In the conveyance it is stated that the Trustees conveyed to Mr Cowell all their estate and interest (if any) in the strip of land 10 ft wide. The fact that this strip has been used as a means of access to the church for many years may well have resulted in the acquisition of a right of way over it by prescription, but on the evidence I cannot find that the Trustees acquired title to the land itself. I am therefore not satisfied that Mr Cowell has acquired the ownership of this strip. He may well be entitled to a right of way over it, but that is a matter which I have no jurisdiction to determine.

The easternmost area comprised in the Register Unit is bounded on the east by a blacksmith's shop belonging to Mr Ray. Mr Ray has done some research into the history of his property, which has been held by members of his family for several generations. At one time members of the family owned a garden to the south and a row of stables to the west of the land in question. The garden and the row of stables have been sold, but Mr Ray argued that since the land in question has not been sold its ownership must still go with the blacksmith's shop. This argument



is, however, based on the assumption that the land in question was formerly in the same ownership as the garden to the south and the buildings to the east and west. This assumption appears to me to be untenable. The land in question is not shown coloured on any of the plans on the deeds which Mr Ray has found registered in the Yorkshire Deeds Registry. In 1901 there was litigation at the York Assizes regarding the ownership of the blacksmith's shop. It was then stated that the blacksmith's shop had been built upon waste land in the manor of Great Ayton. It may well be that the row of stables was also built on the manorial waste, but the acquisition of possessory titles to those buildings would not carry with it a possessory title to the open land between them. I therefore find myself unable to accept Mr Ray's basic assumption.

On the evidence before me I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 17<sup>th</sup> day of May 1977.

Chief Commons Commissioner