



COMMONS REGISTRATION ACT 1965

Reference No: 268/U/310

In the Matter of the Recreation Field,
Brandsby, Hambleton District, North
Yorkshire

DECISION

This reference relates to the question of the ownership of land known as the Recreation Field, Brandsby, Hambleton District being the land comprised in the Land Section of Register Unit No. VG172 in the Register of Town or Village Greens maintained by the North Yorkshire (formerly North 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 Brandsby cum Stearsby Parish Council said (their Clerk's letter of 7 December 1984) that the land was conveyed to the Parish with the Parish Council as trustees in the year 1951. 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 Northallerton on 18 April 1985. At the hearing Brandsby cum Stearsby Parish Council were represented by Major General C J Deedes, their chairman.

The land (the 'Unit Land') now in this Register Unit is a piece which adjoins the southwest side of the road which out of the village leads northwards to Ampleforth. As originally registered, this registration comprised the whole of OS No. 222 containing 6.019 acres, but consequentially on a decision made in 1978 of the Chief Commons Commissioner about two thirds of this OS No. was excluded from the registration, leaving the Unit Land as now registered, being that part of the OS No. nearest to the Village Hall.

General Deedes who has been chairman for 2 years and a member for 6 years of the Parish Council, has owned a house in the Parish for about 20 years and known the village for about 50 years, in the course of his oral evidence produced a conveyance dated 14 July 1943 made by Mrs Alice Jane Fairfax-Cholmeley, Mr Francis William Alfred Fairfax-Cholmeley and Lieutenant Colonel Cecil Henry Farrer Thompson with the concurrence of Mr George Coldham Knight, which recited (among other things), that Mr Hugh Charles Fairfax-Cholmeley (he died 14 April 1940) was at his death owner of the land thereby conveyed that they were his executors and that Mr F W A Fairfax-Cholmeley was desirous of making a gift of the land thereby secondly conveyed; it was by the said conveyance witnessed that the said last mentioned land was conveyed to the Parish Council of Brandsby cum Stearsby, being therein said to be then in their occupation and being identified as coloured pink on the plan annexed thereto.

General Deedes said (in effect):- The date 1951 in the said 1984 letter was a mistake for 1943. The nearby Village Hall is owned by the Parish Council. After the conveyance the Unit Land was used as a cricket ground; later football was tried on it; it was not now any longer used for such purposes because there was better provision for them in Crayke and Stillington which could be used by those of Brandsby. Currently, the Unit Land has been let by the Parish Council for grazing.



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The plan annexed to the 1943 conveyance identifies the land thereby secondly conveyed with that shown on the Register map as the Unit Land. On the evidence above summarised I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Brandsby cum Stearsby 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 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 16th — day of May — 1985

a. a. Baden Fuller

COMMONS COMMISSIONER