

Reference No. 268/D/261

In the Matter of The Recreation Field, Brandsby, North Yorkshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. VG 172 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No. 0393 made by the Brandsby Parish Council and noted in the Register on 3 November 1971.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 10 March 1977. The hearing was attended by Mr M J Boon, solicitor, on behalf of the North Yorkshire County Council, the successor authority of the former County Council, which made the registration without application, and by Mr J D Hiley, solicitor, on behalf of the Objector. The Commons, Open Spaces and Footpaths Preservation Society, whose application was noted under section 4(4) of the Commons Registration Act, 1965, was not represented.

A part of the land comprised in the Register Unit was allotted by the Brandsby Inclosure Award made 5 May 1859 under the Second Annual Inclosure Act 1856 to the Churchwardens and Overseers of the Poor of the parish of Brandsby to be held in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. The remainder of the land comprised in the Register Unit is held by the Objector under a conveyance made 14 July 1943 between (1) Alice Jane Fairfax-Cholmeley, Francis William Alfred Fairfax-Cholmeley, and Cecil Henry Farrer Thompson (2) George Coldham Knight (3) F W A Fairfax-Cholmeley (4) The Brandsby-cum-Stearsby Parish Council for the purpose of a recreation field.

It was agreed that only the part of the land allotted in 1859 fell within the definition of town or village green in section 22(1) of the Commons Registration Act 1965.

In these circumstances I confirm the registration with the following modification:namely the exclusion of the land held by the Objector under the 1943 conveyance.

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 14th day of October 1977



