

COMMONS REGISTRATION ACT 1965

Reference No 268/W/218

In the Matter of The Village Green,
Appleton Wiske, Hambleton District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Appleton Wiske, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 33 in the Register of Town or Village Greens maintained by the North 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 J R Walls of Chipchase House said (letter dated 25 March 1974) that the private pathway and embankment between the roadway and Chipchase House is an integral part of it, Mrs D Crew as clerk of Appleton Wiske Parish Council said (letter dated 23 June 1974) that they held no title deeds but they had in the past exercised supervision over the Green, and Mr R T Mortimer of Tynedale Cottage said (letter dated 28 June 1974) that he wished to claim an interest in the land shown on an enclosed plan (between the Cottage and the road) because it had been continuously used as a garden and is walled around for the sole use of the Cottage. 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 22 February 1978. At the hearing, Appleton Wiske Parish Council were represented by Mr K A Marsh one of their members and Mr Richard Thomas Mortimer of Tynedale Cottage was represented by Mrs Angela Katrina Mortimer (his wife) who also attended on her own behalf.

Mrs Mortimer said that she and her husband claimed the land in front of Tynedale Cottage. Mr Marsh said (in effect) that if the claim was pressed he would like an adjournment, because he was unprepared for it. After some discussion as to whether the land claimed by Mrs Mortimer was included in the registration, I adjourned the proceedings for a short time so that Mrs Mortimer could look at the Register map (this is in County Hall where the hearing was held).

On resuming, I was told that Mrs Mortimer had left the building, being I assume satisfied that the land she claimed was not included in the registration. Mr Marsh while repeating his request for an adjournment should Mrs Mortimer return to support her claim, said he being agreeable to my proceeding under subsection (3) of section 8 of the 1965 Act, would on behalf of the Parish Council offer no evidence of ownership. So in the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Appleton Wiske Parish Council as the owner of the land under section 8(3) of the Act of 1965.

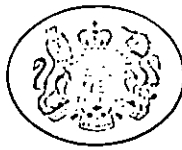


I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 28th day of February 1978

a. a. Biden Fuller

Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No 268/U/219

In the Matter of The Village Green,
West Rounton, Hambleton District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, West Rounton, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 97 in the Register of Town or Village Greens maintained by the North 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 no person claimed to be the freehold owner of the land in question and no 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 22 February 1978. There was no appearance at the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Rounton Parish Council as the owner of the land under section 8(3) 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 28th day of February — 1978

a. a. Boden Fuller

Commons Commissioner

