



In the Matter of The Village Green, Little Fencote,  
Kirkby Fleetham. North Yorkshire.

## DECISION

This reference relates to the question of the ownership of land known as The Village Green, Little Fencote, Kirkby Fleetham, being the land comprised in the Land Section of Register Unit No. CL 34 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 the Kirkby Fleetham Parish Council claimed to be the freehold owner 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 10 March 1977.

At the hearing the Parish Council was represented by Mr C Hoare, its Clerk.

The land comprised in the Register Unit consists of several small areas on either side of the road passing through Little Fencote. Since the early 1950's the Parish Council has cut the grass on these areas. Grass cutting alone I do not regard as an act adverse to the interests of the true owner. In my view, it is insufficient to sustain a claim to a possessory title by the Parish Council.

On this evidence 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

26<sup>th</sup>

day of

April

1977

Chief Commons Commissioner