



In the Matter of The Village Green, Patrick
Brompton, North Yorkshire (No. 2)

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Patrick Brompton being the land comprised in the Land Section of Register Unit No. VG 46 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 F. D. AND M/s D Hodgson, Mr G Kelly, Mr D Topel, Mr J B McMillan, Mr R J Hindle, and the Patrick Brompton Parish Meeting claimed to be the freehold owners of various 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 ~~Richmond on 20 May 1968~~.

At the hearing the Parish Meeting was represented by Mr R Bratley, its Chairman, and Mr Hodgson appeared in person.

On the evidence adduced before me I was satisfied that Mr F. D. AND M/s D Hodgson were the owners of a part of the land in question, and in the absence of any further evidence I was not satisfied that any person was the owner of the remainder of the land, so I gave a decision accordingly.

I decided to set aside my decision and reopen the hearing on an application made by Mr McMillan under reg. 21 of the Commons Commissioners Regulations 1971.

I reopened the hearing at ~~Richmond on 10 June 1968~~. The hearing was attended by Mr A Cocker, the successor in title of Mr McMillan, and Mr K C Moss, the Clerk of the Patrick Brompton Parish Meeting.

A small part of the land in question lies between a property known as Ashla House and the roadway to the north. Ashla House was conveyed to Mr Cocker and his wife by a conveyance made 10 August 1981 between (1) John Benedict McMillan and Nancie McMillan his wife (2) Arthur Cocker and Theodora Cocker his wife. The property the subject of this conveyance was identified by reference to the plan attached to a conveyance made 31 October 1958 between (1) Edith Avril Ropner (2) Kate Irene Waddy. The area shown on this plan does not include any of the land the subject of the reference, but here was evidence that from 1913 the land between the roadway and the garden wall of Ashla House, bounded on one side by the land between the adjacent Laurel House and the roadway and on the other side by the verge to the roadway on the eastern boundary, and consisting of a gravel drive, a gravel parking area, a footpath paved with stone, lawns and flower beds, had been maintained and kept tidy by the occupiers of Ashla House for the time being. Mr Moss said that anyone looking at it would regard this as Mr Cocker's front garden.



On this evidence I am satisfied that Mr and Mrs Cocker are the owners of the land between their garden wall and the roadway, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them 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

17~~th~~

day of

June

1982

Chief Commons Commissioner