



In the Matter of The Village Green and Gypsy Moor,  
Thornborough, West Tanfield, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as The Village Green and Gypsy Moor, Thornborough, West Tanfield, being the land comprised in the Land Section of Register Unit No. CL 12 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 Mr C W Bourne-Arton 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 8 March 1977.

At the hearing Mr A T Bourne-Arton informed me that the claim was on behalf of his wife, Mrs M E Bourne-Arton, and that the basis of the claim was that the land in question is waste land of the manor of West Tanfield, of which Mrs Bourne-Arton is the lord.

The root of Mrs Bourne-Arton's title to the lordship of the manor is a conveyance made 29 May 1889 between (1) Marquis of Ailesbury (2) Sir George Russell and others (3) Hon. Charles Frederick Brudenell-Bruce and another (4) Sir Thomas Arton. The conveyance also included a considerable area of land consisting of the major part of the parish of West Tanfield, but the land in question was not specifically mentioned. However, by virtue of S.6 of the Law of Property and Conveyancing Act 1831 any waste land which was parcel of the manor would pass with the lordship. The land in question consists of two separate areas. They are both open and uncultivated. Major D S Tee, the Clerk of the West Tanfield Parish Council informed me that the Parish Council made no claim to the ownership of either area. Neither area is subject to rights of common, so the only other basis for their registration as common land was that each was waste land of a manor not subject to rights of common. Thornborough lies within the manor of West Tanfield, so the only conclusion to which I can come is that each area is waste land of that manor which passed under the 1889 conveyance.

On this evidence I am not satisfied that Mrs Bourne-Arton is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register her as the owner 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 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

18<sup>th</sup>

day of

May

1977.

Chief Commons Commissioner

