



COMMONS REGISTRATION ACT 1965

Reference Nos. 268/D/503-504  
268/D/505

In the Matter of The Village Green and Water End,  
Brompton, North Yorkshire

DECISION

These disputes relate to the registrations at the Entries in the Land Sections and the Rights Sections of Register Units Nos. VG.94 and CL.381 in the Registers of Town or Village Greens and of Common Land maintained by the North Yorkshire County Council. They are occasioned by (1) conflicting registrations in the Entries and (2) Objection No. 0544 made by the County Council Surveyor and noted in the Register of Common Land on 30 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Northallerton on 24 June 1987. At the hearing Mr S Gerrard, Solicitor, appeared on behalf of the County Council; Brompton Parish Council was represented by its Chairman, Mr L E Dunn, and its Clerk, Mr Bloor. Mr H Langthorne, who registered an Entry in the Rights Section of the VG.94 Register, and Mr Shackleton, a local resident, appeared in person.

On 29 June 1968 the land in question was registered as village green (VG.94) pursuant to an application to register a right of grazing: in all, there are four entries in the Rights Section. The same land was registered as Common Land (CL.381) by the County Council without application on 31 March 1970. There are no entries registered in the Rights Section, but the entries in the Rights Section of VG.94 are deemed to be registered in the CL.381 Rights Section. The Objection to the registration of CL.381 was noted in the Register on 30 August 1972.

At the hearing there was no active dispute as to which of the two registrations should prevail. The Parish Council, which claims to own the land, expressed a preference for the village green registration to be confirmed, and no one present opposed this. The County Council's objection is to the inclusion of strips of roadway verge which it claims may be, or come to be, part of the highway, and again this was not opposed.

In these circumstances, I shall refuse to confirm the registration as common land, and confirm the registrations <sup>in the Land Sections</sup> in the Land Sections of VG.94 with the exclusion from the land of strips of verge which are for the time being part of the highway.

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 15 October 1987

*L. J. Mann's Smith*

Commons Commissioner