



COMMONS REGISTRATION ACT 1965

Reference No 268/U/220

In the Matter of The Village
Greens, Hutton Rudby, Hambleton
District, North Yorkshire

DECISION

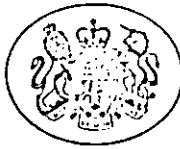
This reference relates to the question of the ownership of land known as The Village Greens, Hutton Rudby, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 104 in the Register of Town or Village Greens maintained by the North Yorkshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Rudby 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 22 February 1978. At the hearing Rudby Parish Council were represented by Mr H J E Stevens, their clerk.

Mr Stevens who has been clerk of the Parish Council since 1969, has lived in the Village continuously since 1955 and was there from 1926 (he was born in 1906) to 1945, in the course of his evidence produced the Hutton Rudby Parish Council minute book from 1894 to 1912 and the Bye-laws made on 21 November 1898 by Hutton Parish Council for the regulation of the Village Green of the Parish including North End and Catkill Hills. He said (in effect):- From time immemorial the Parish Council have undertaken supervision, control of the land in question. The Bye-laws were made under the Public Health Act 1875 and the Local Government Act 1894. The land is surrounded by the houses of Hutton Rudby (it now has a population of about 2,500) and it is wonderful to have an open space in the Village particularly in the Jubilee Year. For the last 6 years, under the advice of an arborist surgeon, the Parish Council have spent at the rate of £100 a year on the trees. During the last 3 years they have spent £2,000 on the land mainly on the traffic arrangements, kerbing corners, cutting away land etc. For some years past they have paid £150 a year to a groundsman for cutting the grass. The Parish Council is now a group council combining (1) Hutton Rudby, (2) Rudby, (3) Middleton on Leven and (4) Skutterskelfe.

On the evidence summarised above I conclude that the Parish Council or the Parish Councils from whom they have taken over, are now and have for many years been in possession and it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of the land and I shall accordingly direct the North Yorkshire County Council as registration authority to register Rudby Parish Council 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 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 2nd day of March

1978

a. a. Basten Furler

Commons Commissioner