



In the Matter of Waste Land, Littleaside,  
Mel Beck, and One Acre Quarry,  
Carlton Town, North Yorkshire.

### DECISION

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These disputes relate to the registration at Entry No 1 in the Land section of Register Unit No CL 173 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by Objection No 099 made by Mr J D Allinson and noted in the Register on 24 June 1970 and the conflicting registration at Entry No 1 in the Land section of Register Unit No VG 200 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Richmond on 10 May 1978. The hearing was attended by Mr J C Scott, solicitor, on behalf of the Carlton Town Parish Council, the applicant for both registrations, and by Mr E R D Johnson, solicitor, on behalf of the Objector.

The land the subject of the conflicting registration is a part only of the land comprised in this Register Unit. Mr Scott informed me that the Parish Council wished to have the registration the subject of this reference modified by the exclusion of the land comprised in Register Unit No VG 200.

Mr Johnson stated that the Objector was concerned only with the land described in the registration as "Waste Land". There being no entry in the Rights section of the Register Unit, this land can only fall within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by being waste land of a manor.

At the time of the hearing the case of Box Parish Council v Lacey had been heard in the Court of Appeal, but judgment had been reserved. In view of the uncertainty of the law at that stage, I heard a considerable amount of evidence regarding the history of the land. In the light of the decision of the Court of Appeal, which was given on 24 May 1978, it does not appear to be necessary for me to review all this evidence.

The material facts are that the Parish Council applied to be registered as the owner of this land, that the registration, being undisputed, became final on 1 October 1970 and that the Parish Council does not claim to be the lord of the manor in which the land is situate. It therefore follows that even if this land ever was waste land of a manor, it has lost that status by having been severed from the lordship of the manor.

For these reasons I confirm the registration with the following modifications:- namely, the exclusion of the waste land and the land comprised in Register Unit No VG 200.



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Reference Nos 268/D/120-121

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 **21<sup>st</sup>** day of

*June*

1978.

*C. J. Quilley*

Chief Commons Commissioner