



COMMONS REGISTRATION ACT 1965

Reference No.45/U/203

In the Matter of Worstall Craggs (Part).
Norwood, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Worstall Craggs (part), Norwood, being the land comprised in the Land Section of Register Unit No.C.L.590 in the Register of Common Land maintained by the former West 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 the former Leeds Corporation 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 Harrogate on 27th March 1974.

At the hearing the Leeds Corporation was represented by Mr. G.C. Cowling, solicitor. The Washburn Parish Council was represented by Mr. W.E.H. Windle, its Chairman.

The land the subject of the reference consists of two portions, namely a very small triangular area, to which the Corporation makes no claim, and a long strip having a road along part of its northern boundary and land belonging to the Corporation (now the Leeds City Council) adjoining its southern boundary. Mr. Cowling informed me that the Corporation had no documentary title to the land the subject of the reference, but based its claim on the rule of law that all the land to the centre of a highway prima facie belongs to the owner of the adjoining land. In order for such a claim to succeed it would be necessary to show that the land the subject of the reference is a piece of roadside waste deemed to form part of the highway by lying within the fences.

The land in question is 40 to 50 yards wide and is not physically divided from a much larger area of waste land crossed by the road and several footpaths. The whole area is shaped rather like an arrow-head, with the land in question forming one of the barbs. It could not possibly be contended that the whole of the "arrow-head" forms part of the highway. To my mind, it can only be described as a piece of waste land which has a road, as well as some footpaths, running across it. I can see no basis on which to draw a distinction between the "barb" and the rest of the "arrow-head". None of it appears to me to form part of a highway. I have therefore come to the conclusion that the Corporation did not succeed in making out its claim.

In the absence of any further evidence, I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 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 **25th** day of April 1974

Chief Commons Commissioner