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COMMONS REGISTRATION ACT 1965

Reference Nos. 27/D/45  
27/D/46

In the Matters of (1) Grindon Common (2) Oggies Loaning,  
both in Norham, Berwick-upon-Tweed D., Northumberland.

### DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section of Register Unit (1) No. VG.63 and (2) No VG.64 in the Register of Town or Village Greens maintained by the Northumberland County Council and are occasioned by (1) Objection No. 28 and (2) Objection No. 27 respectively made by Mr. G.E. Davidson and noted in the Register on (1) 22 June 1970 and (2) 28 May 1970.

I held a hearing for the purpose of inquiring into the disputes at Berwick-upon-Tweed on 9 July 1974. At the hearing Mr. Davidson was represented by Mr. C.J. Thompson Solicitor of Wilkinson Marshall Clayton & Gibson Solicitors of Newcastle upon Tyne and Norham Parish Council were represented by Mr. I. Bagley, their clerk. It was agreed that I should deal with both disputes together.

The registrations were pursuant to an application dated 22 December 1969 and made by the Parish Council. The grounds stated in the Objection No. 28 are:- "This land is 1½ miles from the Village and although on rare occasions, prior to 1939, was used by gypsies for camping, was never used at any time as a village green or for the purposes of such. It has always, within living memory, been fenced in and grazed by the occupant of the farm. The gypsies used it only because it is adjacent to the main Berwick-Cornhill Road and sheltered and has a stream running through it. It has not been used by other campers for upwards of 20 years". The grounds stated in the Objection, No. 27 are:- "This piece of land is an access road to a field on Galagate Farm, the fields on either side being owned by adjacent farmers, and I have used this road for this purpose all my life and have not known it to be used for any other".

Mr. Bagley said (in effect):- After he had been appointed clerk this year, he had noted the views of the Villagers, sought information from the County Archivist Mr. Gard, and sought advice from Mr. Perks, Rural Officer of the Community Council of Northumberland who had in turn consulted the Commons Open Spaces and Footpaths Preservation Society on behalf of the Parish Council. He had also looked at Mr. Davidson's title deeds. As a result of the inquiries and of the advice obtained, he informed the Parish Council that while the land in question had had functions (e.g. use of gypsy families, shooting and fishing by villagers) which gave rise to the belief in the Village that it was common land, the evidence gathered contained nothing which is legally relevant. The Parish Council wishes, therefore, to withdraw the registrations.

Mr. Bagley produced a copy of the 1843 map annexed to the Grindon Parish Tithe Award. The land ("the VG.60 land") comprised in the Register Unit No. VG.60 is thereon (with several other pieces) numbered 36 and is therefore treated as being then in private ownership. Old men in the Village had said that the VG.60 land was fenced at the turn of the century.



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Mr. Thompson produced a conveyance dated 12 May 1971 by which Mr. Davidson had conveyed lands to Mr. J. Martin, Mr. J.C. Martin and Mr. J.B. Martin; in the conveyance the land comprised in this Register Unit had been included in these lands without any difference or distinction.

Mr. Bagley said that the land ("the VG.61 land") comprised in Register Unit No. VG.61 is an access lane with wide verges, now somewhat shorter in length than the lane shown on the 1845 map (at this time it apparently gave access to three farms). The land has at no time been enclosed and has never been fenced or gated. It has been used regularly by gypsy families as a camp site, is a common picnic spot and used by caravans from time to time. At a meeting on 7 November 1970 the Parish Council agreed that a person who had parked a caravan there should be told that they were not objecting to him parking, provided rubbish was not dumped. It is clearly an access road as stated in the Objection. Some years ago some inhabitants objected to the land being used as a manure store and this was removed.

Mr. Thompson produced a conveyance dated 4 July 1920 by which lands South of Norham, including the VG. 61 land, were conveyed to Mr. G.A. Davidson (father of the Objector): in this conveyance the VG.61 land was treated as part of a field, the greater part of which was a rectangular piece adjoining the railway: the Unit Land appeared to provide a convenient access from the road.

Mr. Thompson said that if I felt unable to act on the concessions made by the Parish Council, he would ask for an adjournment so that Mr. Davidson, who was unable to attend the hearing, could give evidence; his evidence would have accorded with the grounds stated in the Objections.

The VG.60 land is an irregularly shaped strip between the road and the Burn about (as I scale the Register map) 200 yards long and having a width varying between 20 and 50 yards. The VG. 61 land is a rectangular strip at right angles to the public road about (as I scale the Register map) 100 yards long and 5 to 8 yards wide; that it is open to the road does not show that it is necessarily within the definition of Common Land in the 1965 Act. In view of the detailed consideration given to the status of these lands by the Parish Council, I conclude that I can properly, without any information other than that set out above, properly act on the agreement reached between Mr. Davidson and the Parish Council.

For these reasons I refuse to confirm the registrations.

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

17<sup>th</sup>

day of July

1974

A. A. Baden Fuller

COMMONS COMMISSIONER