



COMMONS REGISTRATION ACT 1965

Reference No. 269/U/10

In the Matter of "Ashfield Pond",
otherwise part of "Ashfield Bank and Ponds"
in the parish(es) of (Thorne and)
Stainforth, Doncaster Metropolitan
Borough.

DECISION

This reference relates to the question of the ownership of land now known as Ashfield Pond on the south side of the Sheffield and South Yorkshire Navigation in the parish of Stainforth, formerly or sometimes known as part of Ashfield Bank and Ponds in the parishes of Stainforth and Thorne, being the land comprised in the Land Section of Register Unit No. VG117 in the Register of Town or Village Greens maintained by the Doncaster Metropolitan Borough Council (formerly West Riding County Council and then South 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: (1) in a letter dated 23 June 1988 the Regional Solicitor (Doncaster) for British Coal Corporation said that at the hearings before the Commons Commissioner relating to VG117, Doncaster Corporation have been represented and not disputed British Coal's title to the land and that since 1940 British Coal and its predecessors in title have been responsible for bearing the cost of the drainage rates on the property and since that date the land has been let by the Coal Industry to various farms; and (2) in a letter dated 27 June 1988 the Secretary & Solicitor of Yorkshire Water Authority said that the Authority owns the Ashfield Barrier Bank but the land in question does not seem to relate to their land. No other person claimed to be the freehold owner of the land in question or 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 Thorne on 11 October 1988. At the hearing: (1) British Waterways Board were represented by Mr Colin Dunkley FRICS formerly (now retired) their principal estate officer; (2) Yorkshire Water Authority were represented by Mr Peter Coleman Legal Executive of their legal department; (3) British Coal Corporation were represented by Mr John Adams, solicitor in their legal department; (4) Mr F.A Paling of White House, Doncaster Road, Arnthorpe attended in person; (5) Mr R Teasdale of Settings Farm, Queen Street, Thorne attended in person; and (6) Doncaster Metropolitan Borough Council as registration authority were represented by Mr David Goy a licensing officer in their legal and administration department.



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The land ("the Unit Land") in this Register Unit is about 500 yards long, contains a little under 8 acres and is situated between the Sheffield & South Yorkshire Navigation and the Ashfield Bank, a short distance east of Dunston Hill Bridge.

Mr P Coleman confirmed the said June 1988 Yorkshire Water Authority letter and explained that the words "edged red" in it meant "coloured red".

Mr C Dunkley handed me a written note (BWB/10) saying:- The amended area of VG117 no longer includes any land to which British Waterways Board claimed ownership; therefore they no longer have any interest in it.

Mr J Adams produced a conveyance (BCC/1) dated 8 August 1940 by which John Wightman with the concurrence of Thomas Place conveyed to the Hatfield Main Colliery Company Limited land containing about 118.941 acres described in the First Schedule and coloured pink on the plan annexed. The Schedule includes 1907 OS Nos. 475 and 476, acreage .896 and 6.931 which from the plan he identified with the Unit Land.

Oral evidence was given by Mr Brian Robert Shaw who has worked as a surveyor for British Coal Corporation and previously the National Coal Board; he said (in effect):- He has been concerned with the management of the Ashford Bank area, including the Unit Land. In 1955 he was involved with verifying the assets which were acquired by the National Coal Board on the vesting date and reconciling these assets with the property they acquired under the Coal Act 1938; so he could certify that the land conveyed by the said 1940 conveyance vested in the National Coal Board on 1 January 1947. From managing the Area, he could certify that the Unit Land for about 17 years was included in an agricultural tenancy granted to Mr Teasdale and that for a period of about 25 years the Unit Land had been licensed to Mr Paling for shooting game. British Coal Corporation and before them the National Coal Board had received the rents from this tenancy and this licence. No adverse claim had ever been made against their ownership.

Mr F A Paling and Mr R Teasdale said they agreed with what Mr B R Shaw had said about them.

On this evidence I am satisfied that the British Coal Corporation are the owners of the Unit Land, and I shall accordingly direct the Doncaster Metropolitan Borough Council, as registration authority to register the British Coal Corporation as the owner of the land under section 8(2) of the Act of 1965.

TURN OVER



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Before this reference, in February 1987 I held a hearing about (among other Register Units) the Unit Land, and made a decision dated 19 November 1987 (reference 269/D/69-74). At page 32 of such decision I drew attention to the apparent inappropriateness of the name in the Register given to the Unit Land. I have no jurisdiction to direct in this respect any alteration of the Register. However it may help if I record that those present at my 1988 hearing thought that " Ashfield Pond" would be the most appropriate name.

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 16th — day of December 1988

A. A. Baden Fuller

Commons Commissioner