



COMMONS REGISTRATION ACT 1965

Reference No. 45/U/130

In the Matter of Notton Green, Notton,
Wakefield R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Notton Green Notton, Wakefield Rural District being the land comprised in the Land Section of Register Unit No. VG.3 in the Register of Town or Village Greens maintained by the West Riding 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 Mrs. E. M. Kidson 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 Wakefield on 6 February 1974. At the hearing Notton Parish Council were represented by Mrs. F. Rocklinton their clerk (Mr. W. Howley their chairman was present) and Mrs. E. M. Kidson was represented by Mr. P. H. Hallam solicitor of Whitfield, Son & Hallam Solicitors of Dewsbury.

Mrs. Kidson in the course of her evidence produced a conveyance dated 18 October 1949 by which "Notton Village Green containing two acres and thirty nine perches ... was conveyed to her. She said:- Her people had lived in the Village since the 18th century. She bought the Green when the Woolley Estate was sold (it was one of the lots). After her purchase, she and her husband, with the help of others in the village, arranged for trees to be planted, for a dyke (which at one time crossed the Green from west to east) to be filled in, and for the bog at one end to be levelled. The Green has never been fenced.

Mr. Howley said that the Parish Council supported Mrs. Kidson's claim. He produced an agreement dated 12 May 1966 made between her and the Parish Council (contained in a letter written by the Parish Council to her, which she had returned signed) by which it was agreed (in effect): (i) that the Parish Council should have full power to carry out works to level and beautify the Green, (ii) that the Parish Council would ensure that the land was kept under cultivation in a husbandlike manner and (iii) that either Mrs. Kidson as owner or the Parish Council could terminate the agreement on 12 months notice. He said (and Mrs. Kidson agreed) that the 1966 agreement was still in force, and that the Parish Council had ever since it was made been responsible for the maintenance and cutting of the grass.

On the evidence outlined above I am satisfied that Mrs. Kidson is the owner of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Mrs. Elizabeth Mary Kidson of Corner Cottage, 33 George Lane, Notton, near Wakefield as the owner of the land under section 8(2) of the Act of 1965.



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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 13th day of February 1974.

a. a. Baden Fuller

Commons Commissioner