

COMMONS REGISTRATION ACT 1965



Reference No. 270/U/7

In the Matter of South Hiendley Common,  
South Hiendley and Hemsworth.

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.459 in the Register of Common Land maintained by the West Yorkshire Metropolitan 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 claims to ownership were made by Wakefield Metropolitan City Council and by Mr G M T Foljambe.

I held a hearing for the purpose of inquiring into the question of the ownership of the unit land at Wakefield on 7 May 1985.

At the hearing Wakefield M C C were represented by Mr G Wilson, Solicitor, and South Hiendley Parish Council by its clerk, Mr L A Watson.

The unit land comprises three separate areas lying on either side of the road from South Hiendley to Frickley Bridge, which lies to the south east of South Hiendley. The area nearest to Frickley Bridge (the S E area) is a small piece, claimed by Wakefield M C C: Mr Wilson produced a conveyance dated 2 July 1926 by G E Guest to Hemsworth RDC (to which Wakefield MCC is the successor Authority) The conveyance comprises some ten acres of land which from the plan attached appears to include the SE area.

The Parish Council claimed ownership of the remainder of the unit land—two areas lying on either side of the road facing each other near to the War Memorial. By a conveyance dated 19 December 1924 made between (1) Charles E Jagger and others (2) the Parish Council, there was conveyed to the Parish Council as a site for the war memorial a piece of land of an area of 143 square yards. This piece appears to be part of the triangular shaped area ("the triangle") on the S W side of the road, on which the war memorial stands. Giving evidence Mr Watson told me that on the remainder of the triangle the Parish Council has planted trees and shrubs: and that the small area of the unit land on the opposite side of the road lies between a pond and the Village Hall, owned by the Parish Council: this small area ("the Hall area") is maintained by the Parish Council which arranges for the grass to be cut.

Extending to the SW from the triangle is a narrow strip of land (part of the unit land) which forms the north bank of a stream. Mr Watson said that this is a natural amenity which has not required any action by the Parish Council.

On the evidence I am satisfied that (1) Wakefield MCC is the owner of the SE area (2) South Hiendley Parish Council is the owner of the triangle and the Hall area: I shall accordingly direct the West Yorkshire Metropolitan County Council, as registration authority, to register them respectively as such owners under section 8 (2) of the Act of 1965. As to the narrow strip above mentioned, I am not satisfied that any