



In the Matter of Land at Junction of South View and
Trunk Road, Eggescliffe.

DECISION

This reference relates to the question of the ownership of land at the junction of South View and Trunk Road, Eggescliffe, being the land comprised in the Land Section of Register Unit No. CL 45 in the Register of Common Land maintained by the Cleveland 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 Eggescliffe Parish Council 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 Whitby on 25 May 1977.

At the hearing the Parish Council was represented by Mr Peter Scott, solicitor.

Mr E G Shell, who has lived in Eggescliffe since 1932 and served for 30 years on the Parish Council, gave evidence that there have been two seats on the land which have been repaired and replaced by the Parish Council when necessary. At one time the Parish Council paid the County Council to cut the grass, but has more recently employed a private contractor to do the work. The Parish Council has also granted a wayleave to the Electricity Board.

This is somewhat slender evidence of possession by the Parish Council, but I have come to the conclusion that in the absence of any conflicting claim it is just sufficient to support a possessory title.

I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cleveland County Council, as registration authority, to register the Parish Council as the owner of the land under section 8(2) 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 24th day of June 1977

CHIEF COMMONS COMMISSIONER