



COMMONS REGISTRATION ACT 1965

Reference No. 11/U/36

In the Matter of East Hedleyhope
Village Green, Derwentside D.,
Durham

DECISION

This reference relates to the question of the ownership of land known as East Hedleyhope Village Green containing about 6 acres, Hedleyhope Derwentside District being the land comprised in the Land Section of Register Unit No. VG.39 in the Register of Town or Village Greens maintained by the Durham 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 no person claimed to be the freehold owner of the land in question and no 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 Bishop Auckland on 1 May 1975. At the hearing Hedleyhope Parish Council were represented by Mr. N. Splevins their clerk, Mr. W. Dinsdale, their vicechairman and Mr. T.W. Glover one of their members.

Mr. Glover read out a minute of a meeting of the Council held on 4 March 1969 recording that the Council, having considered an offer made on behalf of the Colepike Estate to convey Village Green to the Council on payment of surveyors and legal costs, felt that by accepting the gift they would be accepting liability for the School which was in an advanced state of dilapidation (this would cost more than the Council could afford), and resolved that they would not accept responsibility for ownership. He said (in effect):- Any correspondence there may have been with the Council relating to the 1969 proposed gift has been lost. The School referred to was in 1969 on a site which is completely surrounded by the land comprised in this Register Unit. He could offer no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register Hedleyhope Parish Council as the owner of the land under section 8(3) of the Act of 1965. As I read the section, I am required to give this direction whether or not the Parish Council wish to become the owner. Mr. Glover explained that the position has changed since 1969; the School has been demolished and the Council has already spent a certain amount of money on the Village Green making some provision for recreational facilities for children.

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 8th — day of May 1975

a. a. Borden Fuller

Commons Commissioner