



COMMONS REGISTRATION ACT 1965

Reference No.11/U/10

In the Matter of Whorlton Village Green,
Whorlton, Barnard Castle R.D., Durham

DECISION

This reference relates to the question of the ownership of land known as Whorlton Village Green, Whorlton, Barnard Castle Rural District being the land comprised in the Land Section of Register Unit No.V.G.11 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 Whorlton 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 Durham on 7 November 1972.

The hearing was attended by Barnard Castle Rural District Council who were represented by Mr. J. A. Jones who is their clerk, by the Whorlton Parish Council who were represented by Mr. F. W. Bickerton who is their chairman and by the Right Honourable Harry John Neville 11th Baron Barnard who was represented by Mr. W. I. Watson solicitor of Messrs. Watsons solicitors of Barnard Castle.

Mr. Watson confirmed the statement made in a letter dated 15 August 1972 and written by the Parish Council to the Clerk of the Commons Commissioners that Lord Barnard had withdrawn his claim of ownership.

Mr. Bickerton who is 59 years of age has lived in the Village for the last 23 years and has been chairman of the Parish Council since its formation in February 1954 handed me a written statement which he explained in his oral evidence. In July 1954 the Parish Council had been requested by the County Council to prove their ownership of the Green or at least of the part of it which abutted on the Road C.44 which ran through it (this request was made because the Parish Council had asked the County Council to improve the Road). As a result: a search was made in the records of the Whorlton Parish Meeting which revealed entries in the minutes indicating that the Parish Meeting had over a long period of time assumed responsibility for the Green and incurred expenses to that end and had dealt with encroachments on it. And a notice and plan was posted in the Church entrance, in the Post Office, and on the Public Notice Board in the Village and sent to the local landowners and to the person believed to be Lord of the Manor stating that the Parish Council considered the area marked on the plan was Village Green and that failing objections by a specified date the Parish Council would assume ownership of it. No objection was made to this proposed assumption of ownership by the Parish Council. The road improvement was carried out by the County Council and the Parish Council assumed ownership. Since then, the Parish Council have spent about £25 annually cutting the grass and keeping the Green tidy, have dealt with a number of encroachments, granted way leaves to



the Post Office and given consent to the Local Highway Authority to carry out minor improvements to a road at the southern end of the Green. Mr. Bickerton provided me with a copy of the above mentioned entries in the Parish Meeting minute book (now held in the custody of the clerk of the Parish Council).

On the above evidence I am satisfied that the Parish Council are in possession of this land and that it is practically certain that nobody will ever be able to disturb their possession. Possession with the practical certainty that it will not be disturbed, is I think equivalent to ownership. For this reason I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Durham County Council as registration authority, to register Whorlton Parish Council as the owner of the land under section 8(2) of the Act.

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 November 1972.

a. a. Baden Fuller.

Commons Commissioner