



In the Matter of Driffield Road
Pit, Langtoft, Humberside.

DECISION

This reference relates to the question of the ownership of land known as Driffield Road Pit, Langtoft, being the land comprised in the Land Section of Register Unit No. CL 55 in the Register of Common Land maintained by the Humberside 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 Langtoft 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 Beverley on 2 April 1980.

At the hearing the Parish Council was represented by Mr G Peacock, Solicitor.

The Commissioners appointed by the Langtoft Inclosure Act of 1801 (41 Geo. III, C.93. (private, not printed)) by their award made 29 August 1805 assigned, set out, and appointed the land the subject of the reference for the purpose of getting stone or gravel or other materials therefrom for repairing the public and private roads and ways within the township of Langtoft and also for a common stone pit or quarry for getting therefrom stone for lime for manuring any of the lands to be allotted under the Act and also stone and lime for building with, by, and for the sole use of any of the proprietors to whom allotments should be made, with liberty of burning lime in it and of erecting one or more lime kilns. After the expiration of 20 years the herbage of the land was assigned and awarded to the surveyors of highways within the township.

Since the land itself was not allotted to anyone, it remained in its previous ownership. There is no evidence as to the identity of the previous owner or his successor in title. There is some evidence that the Parish Council has let the herbage from time to time, but Mr Peacock accepted that this would not found a possessory title.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

22^d

day of

May

1980

Chief Commons Commissioner