



In the Matter of The Bank of River Green,
Newton-in-Bowland

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. VG 129 in the Register of Town or Village Greens maintained by the former West Riding County Council and is occasioned by two Objections (1) No. 109 made by J W Corking (2) No. 154 made by Accrington Anglers Holdings Ltd, noted in the Register respectively on 3 March and 5 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Preston on 11 November 1980. The hearing was attended by Mrs J Elliott the Clerk to Newton-in-Bowland Parish Council and Mr L I Lewis, a member of the Parish Council: by Mr J C Churchman, Solicitor, appearing on behalf of Mr Corking: and by Mr J R Abbott, Solicitor, appearing on behalf of Accrington Anglers Holdings Ltd.

The registration was made on the application of the Parish Council, and Mr Cowling is registered as the owner. Each objection is on the ground that no part of the land was a town or village green.

Evidence was given by Mr Lewis, by Mr Adam Howard (called by Mr Churchman) and by Mr John S Wright (called by Mr Abbott). The ^{land} in question ("the Unit land") adjoins the river on the north and west and its south eastern boundary is a footpath (following the line of the old Roman road). On the other side of the footpath is a field of which the Unit land is physically part, with the footpath intervening. There is a wire fence along the river bank, but children are able to get through this to the river bank. Mr Lewis said that during his 25 years' residence in Newton people had used the Unit land to sit on and children played, especially on Sunday afternoons, and learned to swim in the river. He agreed that the Unit land has not the appearance of a village green, that another field adjoining the river is similarly used but not regarded as village green, and that the Unit land had been registered because it was most attractive to the village.

Mr Howard was born in Newton in 1900 and lived there till 1955. From 1926 till 1955 he was tenant of farming land which included the field, and he turned out cattle and sheep on to the field right up to the river. The Unit land was never used by the Parish Council or as a village green: people did come on to the Unit land but he objected, as they had no right to be there. Mr Wright has lived at Lowlands Farm, Newton for 19 years but knew the village before then when he lived at Clitheroe. He has seen people on the river bank of the Unit land and children swimming in the river, but this was also the case with the river and the river bank downstream. He said that the Unit land was not called a Green until the Registration Act.

On the evidence I find that the Unit land did not qualify as a village green within the definition in Section 22(1) of the Commons Registration Act 1925, and accordingly I refuse to confirm the registration.



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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

1 December

1980

L. J. Morris Smith

Commons Commissioner