



COMMONS REGISTRATION ACT 1965

Reference No 45/U/308

In the Matter of five pieces of land known as
Waste Land of the Manor, Litton, Craven District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of three of the five pieces of land which together contain about 0.25 of an acre, which are (in the Register said to be) known as Waste Land of the Manor, and which together make up the land comprised in the Land Section of Register Unit No CL. 169 in the Register of Common Land maintained by the North Yorkshire (formerly West Riding) County Council. The said three pieces are those 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, Mr K W Brook, chairman of Litton Parish Meeting, with a letter dated 12 August 1975 to the Clerk of the Commons Commissioners enclosed an extract from the minutes of the Parish Meeting held 29 August 1905 which reads: "Village Green. An application from Mr James Hartley for permission to build a stone wall on the Green in front of the Queens Arms was considered and the prevailing opinion was that if the wall was built, it would be a charge to the public. It was resolved...that the application be refused". Mr Brook said he could find no reference to any other pieces of the land; he did not think that any property owner in the Village would have the land marked on his/her deeds, and he considered the land should be registered in the ownership of the Litton Parish Meeting. No other person claimed to be the freehold owner of the land in question or 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 Skipton on 25 March 1976. The hearing was attended by Mr K J Bellerby chairman of the Litton Parish Meeting.

Of the said five pieces of land, two are south of the Queens Arms, and in the Ownership Section these two pieces are registered as being in the ownership of Mr H McKeown and Mr A J Shaw. The other three pieces (being those with which I am concerned) are on either side of Potts Bridge and about 200 yards to the west of the pieces opposite the Queens Arms.

Mr Bellerby who has lived in the Parish for 4 or 5 years and has been chairman of the last two Parish Meetings, in the course of his evidence described the three pieces, and said (in effect):-These pieces have (so he understood from an old resident) as far back as anybody can remember, been regarded as Village property. They have been looked after by the Village. On one of them, there used to be a seat until 18 months ago, when it was accidentally destroyed by a horse grazing (the owner paid £10 compensation to the Parish Meeting). The other pieces have been planted with flowers, eg snowdrops and daffodils. The grass on these pieces is kept tidy and stones have been placed around them to keep the cars from parking. All these things have been done by various Villagers, but not in any organised way, but as they felt inclined.





Under section 8 of the 1965 Act, I have to say whether I am "satisfied" as to ownership; I have no jurisdiction to vest these pieces in the Parish Meeting because it may be expedient. Nevertheless, I can I think take a general view as to the probable ownership having regard to the information given to me by Mr Bellerby. That there is no documentation is not surprising, because there seems to have been no occasion for it. No private individual has claimed. These pieces appear to be part of the public lands in the Village which would have originally been Parish property but some of which would as required for highway or other special public purposes have passed from the Parish to the local or other public authority concerned with these purposes. I have no claim from any such authorities. I have no reason to suppose that these lands are in the Register described as Waste Land of the Manor other than because they are regarded as public lands. In these circumstances, I can I think properly conclude that these pieces are still Parish property as they have always been and accordingly by operation of law are now vested in the Parish Trustees of Litton, the body corporate by section 13 of the Local Government Act 1972 established for the purpose of holding land owned by a Parish Meeting (in substitute for a similar body corporate established by the Local Government Act 1894 and continued by the Local Government Act 1933).

For the above reasons I am satisfied that the Parish Trustees are the owners of the land, and I shall accordingly direct North Yorkshire County Council as registration authority to register the Parish Trustees of Litton as the owners 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 16th day of July — 1976

a. a. Baden Fuller

Commons Commissioner