



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/62

In the Matter of Fremington High and Low Common,
Reeth, Richmondshire D., North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Fremington High and Low Common, Reeth, Richmondshire District being the land comprised in the Land Section of Register Unit No. CL.146 in the Register of Common Land maintained by the North Yorkshire 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 Reeth Parish Council claimed the land in question; no other persons claimed to be the freehold owner, 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 Richmond on 31 October 1974. At the hearing, Reeth Parish Council were represented by Mr F. Sunter their chairman and by Miss E. Pedley their clerk. On the day after the hearing I inspected the land.

The land ("the Unit Land") comprised in this Register Unit is in two parts (both about 1/4 of a mile north of High Fremington): the east part is a disused quarry in the side of the hill about 60 yards wide and about 90 yards deep and includes the lane on its southwest side for a distance of about 40 yards from the south corner and for a distance of about 250 yards from its west corner; the west part is also a disused quarry in the side of the hill (a little lower down) about 110 yards wide and about 75 yards deep and includes a lane or grass track on its southwest side for a distance of about 60 yards from its south corner and for a distance of about 600 yards from its west corner. The registration was made in consequence of an application to register a right (which being undisputed has become final) to quarry stone and to graze 3 cows over the Unit Land.

Miss Pedley who has all her life (66 years) lived in Grinton (a village about half a mile to the south) and has been clerk of the Parish Council for more than 15 years, in the course of her evidence said (in effect):- The east part and the west part have always been known as "the High Common" and "the Low Common". They are recognised by the people of the Parish as belonging to the Parish. The Parish Council successfully objected to an attempt by a local farmer to enclose one of the parts; the gate objected to was removed.

Notwithstanding the brevity of the evidence of Miss Pedley and the absence of any evidence that the Parish Council has (except on the one occasion above mentioned), ever done anything to the Unit Land, having seen the land, I can I think properly give effect to what she said. Both parts appear to be disused quarries, such as would in the past have been used generally by the local inhabitants; one of the parts (the west) is on the register map (O.S. 1956 edition) marked "Common Quarry"; there is no





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apparent reason for treating the parts differently. Both parts are open and unfenced and appear to be public property. Parish councils as the successors of the churchwardens and overseers, are the proper persons to hold parish property; see Doe v. Hiley (1830) 10 B & C 885, Doe v. Terry (1835) 4 A & E 274, Haigh v. West 1893 2 QB 19 at page 21, and the Overseers Order 1927 (S.R. & O. 1927 No. 55). Having regard to these considerations, I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the North Yorkshire County Council as registration authority, to register Reeth Parish Council as the owner 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 9th day of January 1975

A. A. Baden Fuller

Commons Commissioner

