

COMMONS REGISTRATION ACT 1965

Reference No.45/U/303

In the Matter of Gale Green, Thornton in Lonsdale, Craven District, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Gale Green, Thornton in Lonsdale, Craven District being the land comprised in the Land Section of Register Unit No. CL. 366 in the Register of Common Land maintained by the North Yorkshire County Council (formerly West Riding 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, no person claimed to be the freehold owner of the land in question and no 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 Skipton on 25 March 1976. At the hearing, Thornton in Lonsdale Parish Council were represented by Mr E Lockwood, their chairman.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) about 0.031 hectares (about 0.071 of an acre). It is a strip open to and on the south side of the Settle to Kirkby Lonsdale Road (A.65), and within half a mile of the County boundary.

Mr Lockwood produced a letter from the County Archivist of North Yorkshire enclosing a certified copy of the relevant parts of the tithe award dated 30 September 1842 and of the tithe map for Thornton in Lonsdale. These showed the Unit Land as owned by "Marton George Esq", occupied by "Edmund Foxcroft Littlefair", number "298", description "Watering Place", quantity "7p", apportioned rent charge "7d". In his letter, the Archivist said that the Inclosure Award for Thornton in Lonsdale does not include Gale Green.

Mr Lockwood said (in effect):- The Unit Land runs down to a stream, and the Parish Council registered it on the understanding that it was a watering place for cattle, it appearing to be a place to which the public have had access for many years. He lived at a cottage just south of the Unit Land; Gale Green is a farm. When the previous owner of the Cottage attempted to enclose the Unit Land, the previous owner of the Farm objected saying that it was a watering place and belonged to him; so it was not enclosed. The Unit Land is never used now as a watering place, although he had seen a steam wagon collect water there.

The information summarised above (as Mr Lockwood realised) indicates that the Unit Land is as likely to be in private as to be in public ownership, and would not justify the Parish Council claiming ownership. In the absence of evidence as to any other ownership. I am not satisfied that any person is





the owner of the Unit Land and it will therefore be 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 2-4 day of April ______ 1976

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Commons Commissioner