



COMMONS REGISTRATION ACT 1965

Reference No.45/U/17

In the Matter of Land in Biggin Lane,
Church Fenton, Tadcaster R.D. Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Land in Biggin Lane, Church Fenton, Tadcaster Rural District, being the land comprised in the Land Section of Register Unit No.C.L.49 in the Register of Common Land maintained by the 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 ownership of the land at Wakefield on 18th May 1972.

On behalf of the Church Fenton Parish Council ("the Council"), evidence was given by Mr. C. Boddy, their present chairman, who could remember the land for more than 50 years. It was formerly a pond; about 50 years ago it was filled in, probably by workmen employed by a local resident. Ever since it has been grass. The County Council have mowed it when they have been doing the rest of the Village. Residents in the Village have kept it tidy. The Council have looked after it.

I cannot, I think, on the above evidence (there was none other) properly find that the Council is the owner. No person other than the Council attended the hearing.

For these reasons I am not satisfied that any person is the owner of the land: it will therefore fall into protection under section 3 of the Act.

I am required by regulation 20(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 12th day of June 1972

A. A. B. E. J. M.

Commons Commissioner