



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/75

In the Matter of land on either side of the High
Street, Gilling West, Richmondshire D., North Yorkshire

DECISION

This reference relates to the question of the ownership of land on either side of the High Street, Gilling West, Richmondshire District being the land comprised in the Land Section of Register Unit No. CL.301 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 Gilling West Parish Council claimed that the land had been conveyed by the Lady of the Manor to them; 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 Richmond on 30 and 31 October 1974. At the hearing Gilling West Parish Council were represented by Mr K. Laybourn their chairman. On 1 November I inspected the land.

The land ("the Unit Land") in this Register Unit comprises nine pieces of grass land on either side of the High Street, six being north and three being south of the Bridge over Gilling Beck. Most of them are strips or roadside verges; that at the north end of the Village is wider than the others, and might be thought of as a small village green; this piece is marked as "Pound" on the Register map, but apart from a small stone structure (? a water tap), I saw no trace of any inclosing fence.

Mr Laybourn relied on a conveyance dated 17 September 1970 and made between (i) Mrs M.W. Ringrose-Wharton (ii) R.W.A. Orde Powlett Baron Bolton and two others (therein called "the Trustees") and (iii) the Parish Council, by which Mrs Ringrose-Wharton after reciting that she was desirous of making a gift to the Council of her right and interest to and in the property thereafter described, conveyed "(so far as she was legally able so to do) unto the Council" the pieces of land therein described (being the nine pieces which make up the Unit Land and a piece on the north side of Millgate, roughly opposite Nos. 14 and 16); by the said conveyance the Council covenanted with Mrs Ringrose-Wharton and the Trustees (among other things) not to use the property for any purposes other than those of village greens and verges to roadways.



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Mr Laybourn in the course of his evidence produced (in addition to the said conveyance) an abstract dated 1970 of Mrs M.W. Ringrose-Wharton to hereditaments in Gilling West. This commenced with a deed of gift dated 15 June 1895 by which J.T. Wharton conveyed to his son W.H.A. Wharton the Manor of Gilling and all his lands situate in the parishes of Gilling and Melsonby and included an abstract of the probate of the will of ~~W.H.A.~~ W.H.A. Wharton (he died on 12 December 1938) and of a vesting assent dated 4 May 1943 by which his personal representatives assented to his Skelton and Gilling Estates and all his real estate in the county of York vesting in his daughter Mrs Ringrose-Wharton in fee simple.

Mr Laybourn who has been the chairman of the Parish Council for about 2 years and who has lived in the Village for at least 5 years said (in effect):- Mrs Ringrose-Wharton owns the greater part of the Village, as has her family since the 17th century; she and her predecessors have always been regarded as Lords of the Manor. The minute books of the Parish Council show that before the 1970 conveyance, the Parish Council did not regard themselves as the owner of the Unit Land. The Council became much interested in preserving the beauty of the Village; the Village won the Best Kept Village Competition in 1972 (a seat at the north end of the Village commemorates this) and on two previous occasions in the last 10 years. The Council also became interested in preserving the Unit Land from damage by motor cars, and from flooding of the Beck. So the Council sought the help of the Lord of the Manor; at first she was unwilling to convey her interest; but (according to the minute of a meeting on 8 March 1963) she reconsidered her decision and became willing to make over the land to the Council; however in a minute dated 2 July 1968, there is a record of a letter written by her Agent containing a statement "that he is still not satisfied how much interest the Trustees have in the Village Greens". Ultimately the Council obtained the 1970 conveyance, and have ever since acted as owners of the Unit Land.

Notwithstanding ^{that} the form of the 1970 conveyance and the other circumstances outlined above indicate that Mrs Ringrose-Wharton or those advising her, felt doubt whether she could effectively convey the Unit Land to the Parish Council, I am on the above evidence satisfied that they are the owners of the Unit Land. On appearance alone, it would be reasonable to guess that the Unit Land has always been either parish property which has by operation of law passed from the Churchwardens and Overseers to the Parish Council, or part of the manorial waste which passed from each Lord of the Manor to his successor as part of his real estate in the Village. No person other than the Parish Council at or before the hearing claimed the land. I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Gilling West Parish Council 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 19th day of November 1974

a. a. Baden Fuller

Commons Commissioner

