



COMMONS REGISTRATION ACT 1965

Reference No. 43/U/42

In the Matter of No Man's Land,
 Willerby, Norton R.D., Yorkshire
 (East Riding)

DECISION

This reference relates to the question of the ownership of land known as No Man's Land, Willerby, Norton Rural District being the land comprised in the Land Section of Register Unit No. CL.9 in the Register of Common Land maintained by the East 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 Willerby Parish Council claimed to be the freehold owner of the land in question and no other 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 Beverley on 13 July 1973. The hearing was attended by Willerby Parish Council who were represented by Mr. E. Cooper their clerk.

Mr. Cooper, who is 45 years of age, and who has lived at Staxton all his life and lived from 1939 to 1952 at Willerby Wold House (about $\frac{1}{2}$ of a mile north of the land) gave evidence.

The land ("the Unit Land") comprised in this Register Unit is a triangular piece containing (according to the Register) about 5.157 acres, and situate between Foxholes on the south and Willerby and Staxton on the north. Its east boundary, about (as I scale the Register map) $\frac{1}{3}$ rd of a mile long, is the main Driffield-Scarborough road.

When Mr. Cooper first knew the Unit Land, it was scrub land with bushes and trees with no fence against the road. Near the north boundary, about (as I scale the map) 90 yards long, it was crossed by an old cart track leading to the field on the southwest. The north boundary was a hawthorn hedge.

So the Unit Land remained until about 1961-62 when a post and wire fence was erected dividing it into two parts and inclosing the northern of these two parts (except for a gate at the north east corner) from the road. About the same time the hedge along the north boundary was destroyed and the northern part of the Unit Land bulldozed so as to become level with the field at the north. Since then the northern part (being the whole of the Unit Land except a small strip at its south end) has been cultivated as one with the field on the north.

The works described were done so Mr. Cooper understood by "Ganton Estates", who own or farm the adjoining land.

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 Mr. Cooper had tried to discover the history of the Unit Land. Old people had told him that Ganton Dale House (near the south end of the Unit Land) was a staging post. The (1954) Ordnance Survey map (1/25,000), produced to me, showed the Unit Land as a separate inclosure along and within the boundary of the parish of



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Willerby. A plan dated 2 July 1803 (produced from the County Record Office) and endorsed "The plan of the Township of Staxton referred to in our award concerning the inclosures in the same township", contained nothing from which I could infer that the Unit Land was dealt with in the Award. The Unit Land has always been known locally as "No Man's Land".

Upon this hearing I am concerned, not with the expediency or legality of the things done or the use made of the Unit Land in and since 1961-62 as described by Mr. Cooper, but with the ownership of the land, meaning the ownership of the legal estate in fee simple therein; see section 22(2) of the 1965 Act. The evidence summarised above does not I think show that the Parish Council owned the Unit Land or either of the two parts into which it has since 1961-62 been divided. I have no evidence about the persons who now own land or carry on business as "Ganton Estates"; the evidence I have does not I think show that they were in 1961-62 or have since become owners of the northern part of the Unit Land. For these reasons I am not satisfied that any person is the owner of the 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 9th day of August 1973.

A. A. Baden Fuller

Commons Commissioner