



COMMONS REGISTRATION ACT 1965

Reference No.268/U/7

In the Matter of Primrose Hill,
Danby, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Primrose Hill, Danby, being the land comprised in the Land Section of Register Unit No.CL 209 in the Register of Common Land maintained by the former North 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 the Danby 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 Scarborough on 6th November 1974.

At the hearing the Parish Council was represented by Mr H. Williamson, one of its members.

Mr Williamson produced the accounts of the Parish Council, from which it appears that between 1950 and 1963 the Council collected rents from the holders of fairground stalls erected on the land in question on the occasion of the annual horticultural show. The show has since been moved to another site and the stalls are no longer erected on the land in question. The land no longer lives up to its name, being used as a car park. The cost of re-surfacing part of it with tar and road chippings and of footpath repairs has been met by the Parish Council.

On this evidence I am satisfied that the Parish Council has acquired a possessory title to the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Danby 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 29th day of November 1974

Chief Commons Commissioner