



## COMMONS REGISTRATION ACT 1965

Reference No. 268/U/227

In the Matter of Scabba Wath, Healaugh Low Green  
and Healaugh High Green, at or near Healaugh, in  
Reeth and Grinton, Richmondshire D., North Yorkshire

DECISION

This reference relates to the question of the ownership of land in three pieces: one known as Scabba Wath near Healaugh partly in Reeth and partly in Grinton, and two others known as Healaugh Low Green and Healaugh High Green at Healaugh in Reeth, all the said three pieces being in Richmondshire District and being the land comprised in the Land Section of Register Unit No. VG.137 in the Register of Town or Village Greens 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 Reeth Parish Council claimed the land in question; no other person claimed to be the freehold owner 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 31 October 1974. At the hearing Reeth Parish Council were represented by Mr W. Sunter their chairman and Miss E. Pedley their clerk.

Healaugh Low Green is a piece of open grass land on the south side of the main road through the Village of Healaugh, having a frontage (as I scale the Register map) of about 50 yards and a varying depth in some places as much as about 65 yards. Healaugh High Green is on the north side of the Village, some distance from the main road; being a "S" shaped strip about 100 yards long and of varying width. Scabba Wath comprises three pieces of land: one piece is a strip about 500 yards long, being the embankment between the River Swale and the main road (here the road runs just north of and parallel with the River) and including so much of the adjoining bed of the River as is north of the middle line; and the two other pieces (separated by a narrow strip) together about 150 yards long and 40 yards wide on the opposite side of the River; the separating strip is I suppose the line of what remains of the actual Wath (ford; there is now a road bridge a little higher up the River).

Mr Sunter who has lived in Healaugh all his life, been a member of the Parish Council for over 20 years, vicechairman for over 15 years and chairman during the last 12 months, in the course of his evidence said (in effect):- the Parish Council have put a seat on Healaugh Low Green and have arranged for the grass to be cut. They have also put a seat on Healaugh High Green and arranged for the grass to be cut. Nobody else has ever claimed ownership as long as he can remember. The part of Scabba Wath south of the River is in the Parish of Grinton; the part north of the River is in the parish of Reeth; → The Reeth part is a liability, because when the river is in flood, the embankment is liable to breach. Save as he had stated,



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the Parish Council could offer no evidence of ownership.

The question whether I can on the evidence of Mr Sunter properly conclude that the Parish Council now have a possessory title to Healaugh Low Green and Healaugh High Green is I think of some difficulty. It may be of no practical consequence how I determine this question, because if I am satisfied as to the ownership of the Parish Council I am by subsection (2) of section 8 of the 1965 Act required to direct the registration of the Parish Council as owner, and if I am not satisfied as to the ownership of any person (there was no evidence of the ownership of any person other than the Parish Council) I am by subsection (3) of the section required to direct the registration of the Parish Council as owner. On the day after the hearing I walked over these two Greens; from their situation in relation to the surrounding buildings, walls, gates, roads, and paths, I am unable to conclude that these Greens must always have been Parish Property. The evidence of Mr Sunter as outlined above I think falls short of showing that the Parish Council are in possession or that they have done things from which a possessory title can be inferred. I am therefore not satisfied as to their ownership.

In the absence of any evidence that any person other the Parish Council is the owner of Healaugh Low Green and Healaugh High Green, and in the absence of any evidence of any kind as to the ownership of Scabba Wath, I am not satisfied that any person is the owner of any of the land comprised in this Register Unit, and I shall accordingly under section 8(3) of the 1965 Act direct North Yorkshire County Council as registration authority to register Reeth Parish Council as the owner of the land except the part in the Parish of Grinton, and to register Grinton Parish Council as the owner of the said excepted part.

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

9<sup>th</sup>

day of

January

1975

A. A. Baden Fuller

Commons Commissioner