



In the Matter of Scruton Village Green,  
Scruton, North Yorkshire (No. 2).

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No. VG 2 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire County Council and is occasioned by the conflicting registration at Entry No. 2 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 9 March 1977. The hearing was attended by Miss Z L Chilton, the applicant for the registration at Entry No. 1, who spoke through her brother, Mr T G H Chilton, and by Mr Christopher Proctor, solicitor, on behalf of the Scruton Parish Council, the applicant for the registration at Entry No. 2.

Miss Chilton bases her claim on her ownership of the lordship of the manor of Scruton, of which she claims the land comprised in the Register Unit to be waste. The Parish Council claims to have a possessory title.

Until 1953 the Scruton Estate with the lordship of the manor belonged to Mr Alban Coore (or his trustees), who in that year put it up for sale. The Village Green was left uncoloured on the plan accompanying the particulars of sale, but No. 8 of the Special Conditions provided -

"Lot 1 includes the entirety of the Vendors' Estate or rights (if any) in the land comprising Scruton Village Green, but the Vendors shall not be required to define the same nor to show any title thereto and the Purchaser shall not make any objection or requisition thereto".

Land which had been part of Lot 1 in the 1953 sale, including the manor or lordship or reputed manor or lordship of Scruton and the vendor's rights in the land comprising Scruton Green, were conveyed to Miss Chilton by a conveyance made 1 March 1958 between (1) Hannah Bruce, the wife of Frank Bruce (2) Tunnicliffe (Timber) Ltd (3) Zita Lacey Chilton. The Village Green is left uncoloured on the plan attached to the conveyance.

Miss Chilton has never taken possession of the Village Green nor has she exercised any rights over it. Her only connection with the land since the conveyance has been to pay a year premium for third-party insurance.

The minutes of the Parish Council contain a number of entries relating to the Village Green. The earliest entry to which my attention was directed was dated 8 October 1937 when the Chairman was directed to invite tenders for the cleaning and clearance of the Village Green. On 23 November 1948 the Clerk was instructed to get an unsafe tree cut down. On 7 December 1951 Mr C H Hoare, who gave evidence, undertook to dispose of a dangerous tree. On 9 June 1952 the Parish Council paid for mowing and clearing the Green.

Down to this date Mr Coore was at various times a member of the Parish Council and, according to Mr Hoare's evidence, was fully aware of what was being done. Mr Coore also provided the timber for a swing, which was constructed by the Council.



On 9 January 1954 a timber merchant paid the Parish Council £1 for the top wood of a sycamore tree, which it was feared was dangerous. On 12 April 1957 the Parish Council took down the swing and provided a new one. The Council has continued to cut the grass and generally keep the Green in order.

Although the acts relied upon by the Parish Council are individually trifling, when viewed as a whole, together with the fact that the connection of both Mr Coore and Miss Chilton with the land has been nothing more than a somewhat shadowy paper title, they are, in my view, just sufficient to amount to possession by the Council, taken in the first place with the acquiescence of Mr Coore. This possession has continued long enough for the Council to have acquired a possessory title.

For these reasons I refuse to confirm the registration.

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 18<sup>th</sup> day of May 1977

Chief Commons Commissioner