



In the Matter of the The Lane at Hill Gill,
Old Byland, Ryedale D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 259 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 a claim to ownership was made by Mr J B Robinson 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 Malton on 26 April 1982.

As the hearing Mr Robinson appeared in person, and Mr J H Morley, County Surveyor, of the Registration Authority also attended.

The land comprised in the Register Unit ("the Unit land") is described in the Register as the Lane at Hill Gill edged green on the Register Map, and Mr Robinson's claim relates to the grass verges of the Lane. By a Conveyance dated 29 May 1963 property was conveyed to him by Mr G O Kitching and this property included an area of some 15 acres known as Hill Gill, the northern boundary of which coincides with the southern boundary of the Unit land. It is not possible to ascertain from the Conveyance and its relevant plan whether this area specifically included the grass verges. Mr Morley for the County Council made no claim on its behalf and did not oppose Mr Robinson's claim.

Mr Robinson told me that the northern boundary of the Lane is a steepish bank and there is a wall and fence: on the southern boundary there was originally no fence though there is now a wire fence. The verge on the southern side varies in width from 2' to 3'. The claim is similar to that made by Mr Robinson in the matter of CL 128 (Ref: 268/U/264) and as in that case, I am prepared in the circumstances to apply the presumption as to the vesting of strips of waste land in the owner of adjoining land, and to accept the claim of ownership in respect of the grass verge on the southern side of the boundary.

I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Mr Robinson under section 6(2) of the Act of 1965 as the owner of the grass verge on the southern side of the Unit land. I am not satisfied that any person owns the remaining part of the Unit land and it will therefore remain 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 set to him, require me to state a case for the decision of the High Court.

Dated

8 October

1982

L. J. Morris Smith

COMMONS COMMISSIONER

