



COMMONS REGISTRATION ACT 1965

Reference No.45/U/32

In the Matter of The Riverside,
Nether Poppleton, Nidderdale R.D.,
Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as The Riverside, Nether Poppleton, Nidderdale Rural District being the land comprised in the Land Section of Register Unit No.CL.92 in the Register of Common Land maintained by the West 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 Nether Poppleton 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 Harrogate on 30 October 1973. At the hearing Nether Poppleton Parish Council were represented by Mr. M. G. Grills, solicitor of Cromlie Wilkinson and Robinson Solicitors of York.

Evidence was given by Mr. R. Hansell who is now and for the last 22 years has been clerk of the Parish Council. He produced:- (i) a conveyance dated 15 March 1971 by which Mrs. D. F. Place and three others as executors of Mr. Thomas Place (he died on 28 June 1943) in consideration of £1 conveyed to the Parish Council in fee simple the land ("the Unit Land") now comprised in this Register Unit (including a small piece on the west side, on 6 July 1971 removed from the Register); (ii) an official copy of the probate dated 27 January 1947 to the estate of Mr. Thomas Place; and (iii) a bundle of correspondence held with the records of the Parish Council and marked "Nether Poppleton: Lord of Manor & Common Land (this bundle covered a period from 27 March 1930 to 28 March 1967). Mr. Hansell said (in effect):- He had always regarded Mr. Thomas Place and his executors as having been and being entitled to the Lordship of the Manor of Nether Poppleton; they were generally so regarded in the Village; letters dated 23 September 1937 and 16 June 1938 included in the said bundle showed that Mr. Thomas Place was so regarded at that time. The Unit Land is locally known as "The Common Land" or as "the Riverside". It had always been waste land, and as far as he knew, Mr. Thomas Place and his executors never had any income from it. Since the 1971 conveyance, the Parish Council had done some maintenance, mowing the grass near the bank of the River Ouse, and pruning some of the trees.

After the hearing I inspected the Unit Land. It consists of a strip ("the first strip") about 200/250 yards along the south bank of the River Ouse, and another strip ("the second strip": adjoining and approximately at right angles to the first strip) about 500 yards long and of varying width. Across the Unit Land runs a little stream, Crescent Dyke; also across the Unit Land runs a motor road from the west end of Nether Poppleton leading south to Upper Poppleton. The first strip is for



the most part grass land (there are some trees) sloping down to the River Ouse; on it there is a war memorial and some seats; it is a pleasant Village amenity. The second strip is in places much overgrown with thick scrub; on the south of it, there is some recent building, and it is crossed by numerous access roads or tracks leading to groups of houses or to individual houses.

Notwithstanding that the documentary evidence in support of the claim of the Parish Council is not cogent (it does not show that the Unit Land has been treated as waste of the Manor), as a result of my inspection I concluded that I ought to accept the evidence given as proof of ownership of the Parish Council. The first strip appears to be public property, providing convenient access to the River from the Village, and is the sort of land that would in the ordinary way belong either to the Parish or to the Lord of the Manor; if the former, the Parish Council are now owners by operation of law; if the latter, they are now owners under the 1971 conveyance. The public nature of the second strip is less distinctive, but the development on the south appears to have proceeded on the basis that the Unit Land did not belong to the frontagers, and none have claimed ownership; on its west side and at its south end, it is more open and appears to be public land; I can I think safely assume from its local name "The Common Land" that it too passed (if not already owned by the Parish Council) to them under the 1971 conveyance.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Nether Poppleton Parish Council as the owners 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

9th

day of

November

1973.

a. a. Baden Fuller

Commons Commissioner

