

NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS SUB COMMITTEE

8 MARCH 2013

APPLICATION FOR THE DE-REGISTRATION OF LAND AT RATTON ROW, THRUSCROSS

Report of the Corporate Director – Business and Environmental Services

1.0 PURPOSE OF REPORT

- 1.1 To report to Members an application to deregister part of an area of land as Common Land and to request that Members consider the grounds of the application and determine whether the land should be so deregistered.

2.0 STATUTORY AUTHORITY

- 2.1 For the purposes of the Commons Registration Act 1965, the County Council is the Registration Authority for Common Land and Town or Village Greens within North Yorkshire.
- 2.2 In accordance with the Commons Act 2006 (Commencement No 1, Transitional Provisions and Savings) (England) Order 2006 as the application was made before 1st October 2006 the registration authority shall deal with the application as if section 13(a) Commons Registration Act 1965 (and associated Regulations) has not been repealed. Therefore, under Section 13(a) of the Commons Registration Act 1965 the registers may be amended where any land ceases to be common land.

3.0 CONSTITUTION

- 3.1 Under the Council's Constitution, the Planning and Regulatory Functions Sub Committee has delegated powers to deregister common land.

4.0 BACKGROUND TO THE APPLICATION

- 4.1 The application to deregister the land concerned has been made by David Ian Jones and Elizabeth Jane Jones of The Barn, Ratton Row, Thruscross.
- 4.2 The land comprised in the application forms part of an area known as the Ratton Row Common, Ratton Row, Thruscross. Plans showing the land hatched black are attached to this report as Appendices 1 and 2.

- 4.3 The application is made on the grounds that the land in question ceased to be common land by 31 December 1993 by virtue of its' enclosure following the development of part of the site.
- 4.4 The application included a letter dated 12 October 2000 from the Thruscross Parish Meeting and a copy of the minutes of a Parish Meeting held on 2 November 1999 both stating that errors had been made in the original application by the Parish Meeting to register the land as common during the late 1960s.

5.0 PUBLIC ADVERTISEMENT AND OBJECTION

- 5.1 Statutory requirements to publish a public notice of the Application in the local press, post similar notices on site together with further notices posted by Harrogate Borough Council and the Parish Meeting have been complied with.
- 5.2 No objections were received.

6.0 LEGAL IMPLICATIONS

- 6.1 There are no Legal Implications

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications other than those associated with Officer time amending the registration details.

8.0 CONSIDERATION BY MEMBERS

- 8.1 Members, in considering the application to register the land as a Town or Village Green acts in a quasi-judicial capacity. It is fundamental that consideration and determination of an issue is based on the evidence before the Sub Committee and the application of law. In other words, the merits of a matter have no place in this process and the fact that a decision would benefit or prejudice owners, occupiers or members of the general public, or the Authority, has no connection with the issues which Members have to deal with and address.

- 8.2 Notwithstanding there is no objection to the Application.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

10.0 RECOMMENDATION

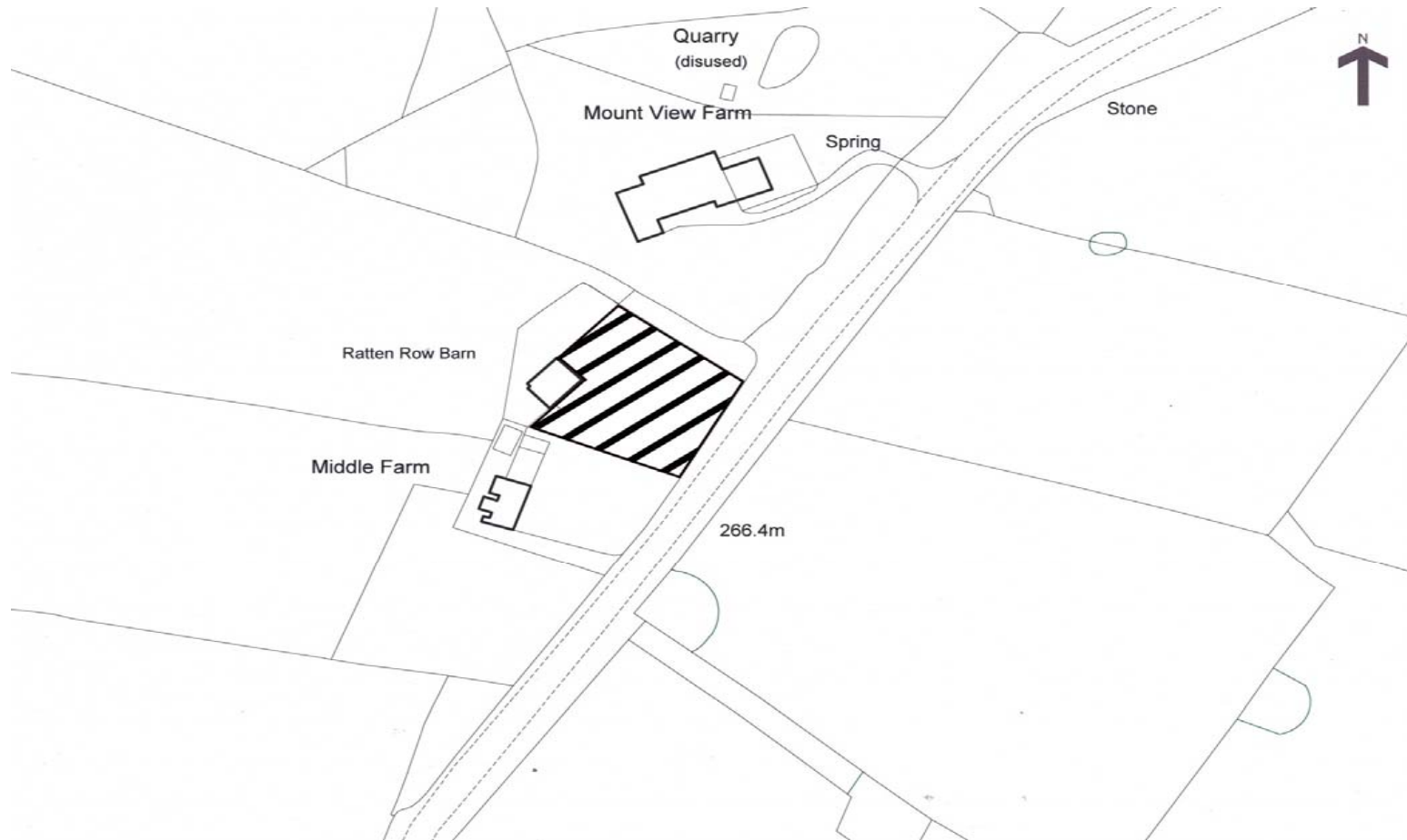
- 10.1 That the application by David Ian Jones and Elizabeth Jane Jones to deregister part of the area of land common land known as Ratton Row Common at Ratton Row, Thruscross is approved.

DAVID BOWE
Corporate Director – Business and Environmental Services

Author of Report: Doug Huzzard

Background Papers: File No Dereg 27 held in County Searches Information - Business & Environmental Services

APPENDIX 1



COMMON ACT 2006

APPLICATION TO DE-REGISTER COMMON LAND AT RATTON ROW, THRUSCROSS



AREA THAT IS THE SUBJECT OF APPLICATION

APPENDIX 2

