

## **NORTH YORKSHIRE COUNCIL**

### **COMMONS ACT 2006 – SCHEDULE 2, PARAGRAPH 8**

#### **Notice of an application to correct non-registration or mistaken registration**

**Application Reference Number: CA13 036**

**Carlton Husthwaite, Village Green VG58 (part)**

Application has been made to the North Yorkshire Council by Timothy Peter Marks under Schedule 2(8) of the Commons Act 2006 and in accordance with Schedule 4(14) of the Commons Registration (England) Regulations 2014.

The application, which includes documentary evidence, can be viewed at:

<https://www.northyorks.gov.uk/environment-and-neighbourhoods/land-and-waterways/common-land-and-village-greens/common-land-applications-and-decision-notice>

or you can request a copy by contacting the Commons Registration Officer: -

email: [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) ,

telephone: 01609 536932

or write to: North Yorkshire Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA13 036
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons Registration Officer, Commons Registration North Yorkshire Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) on or before 4 July 2025

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will deregister the application land and remove it from the village green registered unit VG58.

Dated: 15 May 2025

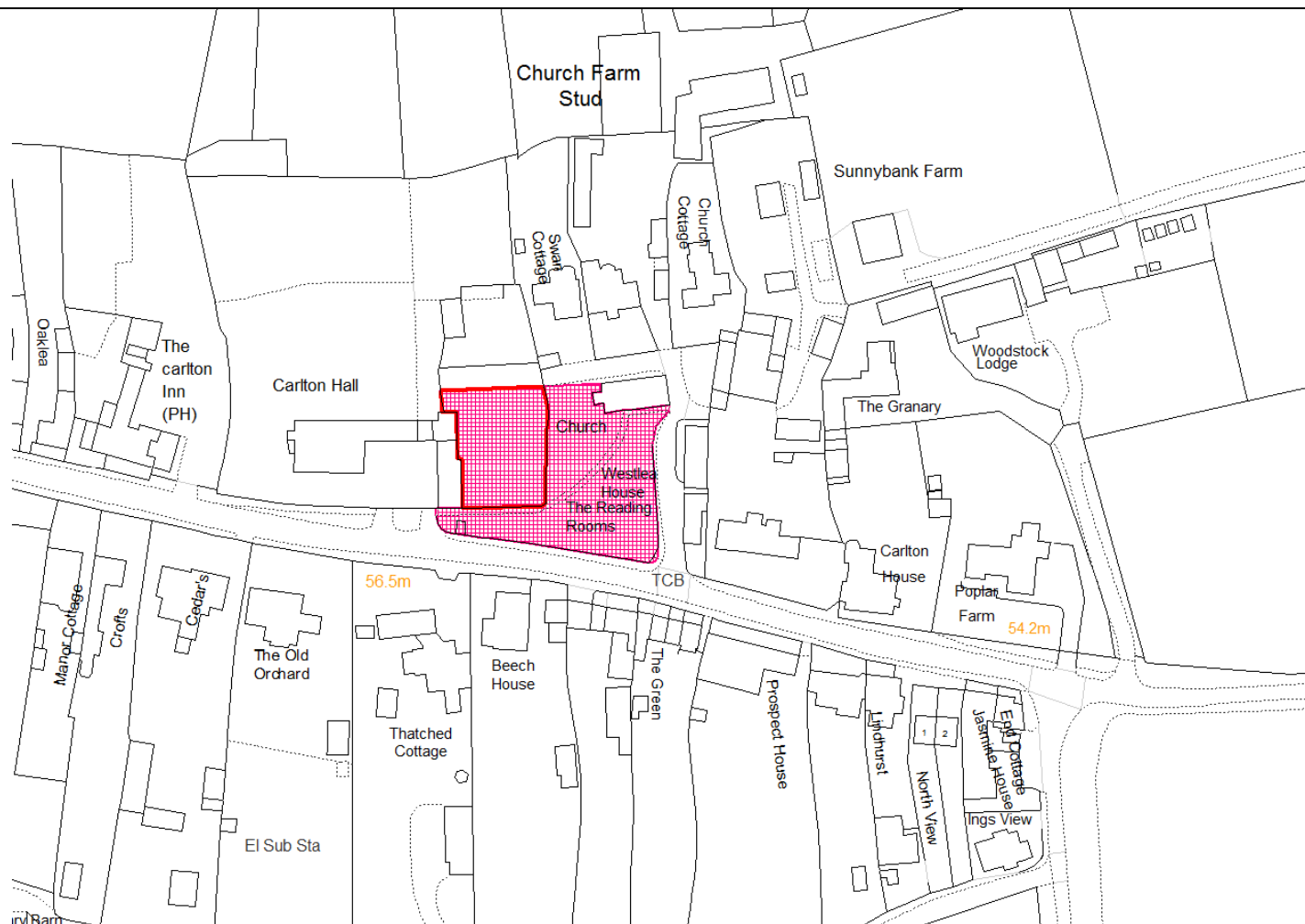
Karl Battersby

Corporate Director – Environment  
North Yorkshire Council

#### **Schedule**

##### **Description of the land seeking to be deregistered as Village Green**

**Part of VG58 Carlton Husthwaite, as edged red on the notice plan.**



## COMMONS ACT 2006

**CA13 APPLICATION (Ref. No. CA13 036) SEEKING TO  
DEREGISTER LAND AS VILLAGE GREEN (PART OF)  
KNOWN AS VG58 CARLTON HUSTHWAITE  
LOCATION PLAN**

## NOTICE PLAN



Application  
site



Existing  
Village Green

OFFICIAL

## Commons Act 2006: Schedule 2

**Application to correct non-registration or mistaken registration**

This section is for office use only

Official stamp

Application number

<p>COMMONS ACT 2006</p> <p>NORTH YORKSHIRE COUNCIL</p> <p>COMMONS REGISTRATION AUTHORITY</p> <p>DATE: 18 MAR 2025</p>
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CA13 036
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Register unit number  
allocated at registration  
(for missed commons  
only)

VG58
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Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

**Note 1**

Insert name  
of commons  
registration  
authority.

**1. Commons Registration Authority**

To the: North Yorkshire ~~County~~ Council

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

☒

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been  
enclosed:

☐

**Note 2**

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

**Note 3**

This box should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

**2. Name and address of the applicant**

Name:

Timothy Peter Marks

Postal address:

Carlton Hall,  
Carlton Husthwaite,  
Thirsk.  
North Yorkshire

Postcode YO7 2BR

Telephone number:

Fax number:

E-mail address:

**3. Name and address of representative, if any**

Name:

Firm:

Postal address:

Postcode

Telephone number:

Fax number:

E-mail address:

**Note 4**

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

**4. Basis of application for correction and qualifying criteria**

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

To register land as common land (paragraph 2): ☐

To register land as a town or village green (paragraph 3): ☐

To register waste land of a manor as common land (paragraph 4): ☐

To deregister common land as a town or village green (paragraph 5): ☐

To deregister a building wrongly registered as common land (paragraph 6): ☐

To deregister any other land wrongly registered as common land (paragraph 7): ☐

To deregister a building wrongly registered as town or village green (paragraph 8): ☒

To deregister any other land wrongly registered as town or village green (paragraph 9): ☐

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)): ☐

The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)): ☐

The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)): ☐

Please specify the register unit number(s) (if any) to which this application relates:

Carlton Husthwaite, Village Green  
VG58.

**Note 5**

Explain why the land should be registered or, as the case may be, deregistered.

**5. Description of the reason for applying to correct the register:**

To deregister the enclosed walled garden within the curtilage of Carlton Hall. A mapping error during registration by the village parish meeting under section 4 of the 1965 Act, was confirmed in a decision of the Commons Commissioner in December 1965. This confirmed that the walled garden was the property of Carlton Hall, and had been registered in error. This enclosed land has and still is within the curtilage of Carlton Hall and is maintained by them. We now apply for the walled garden to be removed from the register of village greens under paragraph 8 of Schedule 2 of the 2006 Act.

**Note 6**

*You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.*

**Note 7**

*This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.*

*If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.*

**6. Description of land**

Name by which the land is usually known:

The Walled Garden,  
Carlton Hall  
Carlton Husthwaite,  
Thirsk, North Yorkshire. YO7 2BR

Location:

Carlton Hall walled Garden and Village Green VG58,  
OS Map with Blue hatched area.

Tick the box to confirm that you have attached an Ordnance map of the land:

**7. Declarations of consent**

Application sent in by Mr T P Marks, the landowner and owner of Carlton Hall and the enclosed walled garden, within the curtilage of Carlton Hall, see Land Registry confirmation.

NYK143005 registered on 22 10 1993, confirmed 10th. October 2024.

**Note 8**

List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

**8. Supporting documentation****Maps as above:**

1841 Tithe Map, showing Carlton Hall and its Curtilage and the Village Green.  
 1993 10 22 Land Registry NYK143005, Carlton Hall and Curtilage.  
 NYK304383 Land Registry Map of the Village Green NYCC.  
 Village Green VG58 Blue Hatched.

1969 09 15 Village Green Registration of VG58.

1975 06 08 Statutory Declaration confirming the error.

1975 12 08 Commons Commissioner Hearing Decision, confirming error and confirming ownership on Registry.

1993 08 25 NYK143005 Land Registry Title of ownership. 2024 10 18

2003 12 19 Notices posted of application to correct the registration. (C)

2004 01 09 Letter of Objection from Open Spaces Society, no other objections from the parish.

2004 09 14 Letter NYCC upheld Open Spaces Objection.

2024 10 22 Email response from Open Spaces Society stating that they would not object to a correctly submitted application to deregister under Schedule 2 of The Commons Act 2006.

2024 10 28 Photographs of Carlton Hall Curtilage and the Village Green.

2025 03 12 Carlton Husthwaite Parish Meeting Letter supporting de-registration application.

2025 03 14 Timeline of events

**Note 9**

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

**9. Any other information relating to the application**

On 2024 10 22 The Open Spaces Society replied to an email sent to them about this pending application to deregister the walled Garden within the curtilage of Carlton Hall. They advised that they would not object to an application to de-register made under Schedule 2 of the 2006 Act. Their email is attached.

12 03 2025 Letter from Carlton Husthwaite Parish Meeting following their meeting in December 2024, in support of the application to de-register the walled garden.

Photographs of the walled garden, showing its boundary wall with the village green, as well as photos showing the historic layout of the garden.

There is no access to the walled garden from the village green. The walled garden has been within the curtilage of Carlton Hall for many generations.

Since the date of provisional registration under section 4 of the 1965 Act, which became final, the land has at all times been, and still is, within the curtilage of Carlton

There have been no alterations or change of use of the land over this period.

**Note 10**

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.

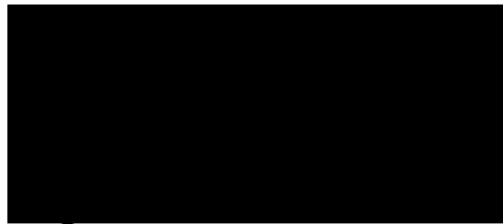
**10. Signature**

Date:

14 March 2025

Signatures:

T P Marks

**REMINDER TO APPLICANT**

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

You are advised to keep a copy of the application and all associated documentation.

**Data Protection Act 1998**

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.



**Timeline with reference to the enclosed Carlton Hall Walled Garden, and the registration of the Carlton Husthwaite Village Green.**

1841 Copy of the Tithe Map dated 1841, showing Carlton Hall and its enclosed curtilage, which includes the walled garden. The Carlton Hall walled garden was included in the transfer of all the following Conveyances.

01 02 1894 Conveyance between Mr Edwin Gray & Col. Reginald William Peckitt to Henry Peckitt (2<sup>nd</sup> part) and Col RW Peckitt, Sophia Abigail Shaw, Arabella Peckitt and Charles Cecil Peckitt on 3<sup>rd</sup> part Walled garden included on map as 120

17 05 1899 Conveyance to Mr Henry Peckitt (Secretary of the Leeds Stock exchange) to Miss Francis Leonora Peckitt.

04 10 1941 Conveyance of Carlton Hall from PR's of Miss FL Peckitt to Mrs EV King

30 10 1944 Conveyance of Carlton Hall from Mrs D King to Mr JH Robins

07 03 1958 Conveyance from Exors of Mr JH Robins to Mrs S Richard

03 08 1961 Conveyance of Carlton Hall from Mrs S Richard to Mr RA Crosby.

18 10 1963 Conveyance of Carlton Hall from Mr RA Crosby to Mrs Irene Sadler

27 01 1965 Conveyance of Carlton Hall from Mrs I Sadler to Lt Col JR Palmer

15 09 1969: Plan of Village Greens Register for Carlton Husthwaite Unit VG58.

07 01 1974 Statutory Declaration of ownership of the blue land by the beck conveyed to him in 1965 by Irene Sadler

18 01 1974 Conveyance of Carlton Hall for £55,000 including the ford area.

26 03 1974 Parish Meeting letter from their solicitors to the Commons Comissioners. This confirmed that the walled garden edged red on the plan annexed to this registration had been included in error.

08 06 1975 Statutory Declaration by Lt Col Palmer to the effect that he was responsible as chairman of the Parish meeting for effecting the registration of Unit No. VG58, and included the said walled garden in error

10 06 1975 Conveyance of the freehold of Carlton Hall walled Garden by Lt. Colonel Palmer to Mr WJ Dickinson.

10 06 1975 Conveyance of the freehold of Carlton Hall by Lt. Colonel Palmer to Mr WJ Dickinson.

08 10 1975 Hearing Reference Number 268/U/162 To establish ownership of the village green.

08 12 1975. Hearing Decision by the Common's Commissioner following the above hearing:

On the evidence of the three items produced at the hearing:

- a) Parish meeting letter dated 26 03 1974, admitting that Carlton Hall walled garden had been registered by the village meeting on the plan of Unit no. VG58 in error.

- b) Statutory Declaration dated 08 June 1975 by Lt Col Palmer that as chairman of the village meeting stating he had been responsible for registering Carlton Hall Walled Garden as part of the village green in error.
- c) The Conveyance of the freehold of Carlton Hall and including its walled Garden by Lt. Colonel Palmer to Mr WJ Dickinson dated 10<sup>th</sup> June 1975

The Commissioner was satisfied that Mr WJ Dickinson was the owner of Carlton Hall and its walled garden (Land edged red). He directed that the register should be altered to show that Mr WJ Dickinson was the owner of the walled garden, and that Hambleton District Council be registered as the owner of the remainder of the village green under section 8 (3) of the act of 1965.

1976 Land Registry Map of NYCC Village Green, NYK304383.

25 07 1979 Conveyance of Carlton Hall and the walled garden from Mr J W Dickinson to Mr Leslie Price, Mr Gary Price, and Stephen Hubbard.

25 08 1993 transfer of Carlton Hall and the Walled Garden from G A Price, S Hubbard & G E Price to Mr T P Marks.

22 10 1993 Land Registry Map of Carlton Hall and curtilage NYK143005.

28 June 1993 Letter to NYCC to request deregistration.

07 July 1993 Response to the above letter advising that The Common Land Rectification of Registers Act 1989, provided for the rectification of the register, but applications had to be submitted before 21 July 1992.

15 12 2003. Application to De-register acknowledged by NYCC.

19 12 2003 Notices of application to deregister posted in the Darlington and Stockton Times, and notices posted in the village.

09 01 2004: Letter of Objection from Open Spaces Society to NYCC.

14 09 2004. NYCC letter advising of decision to uphold Open societies objection.

2006 Commons Act 2006

2014 The Commons Registration England Regulations 2014.

22 10 2024 Email sent by Mr Marks to the Open Spaces society advising them of the draft application. The response from The Open Spaces Society stated that they would not object to an application to de-register the walled garden of Carlton Hall under Section 2 of The Commons Act 2006.

03 11 2024. A copy of the draft application form was sent to the Carlton Parish Committee for their comments. This was discussed at their next meeting in December 2024.

12 03 2025: Letter from the Carlton Hall Parish meeting supporting the de-registration application.

## Carlton Husthwaite

### Carlton Husthwaite in 1841 From the Parish Clerk's copy of the Tithe Map



Carlton Husthwaite: Carlton Husthwaite in 1841 From the Parish Clerk's copy of the Tithe Map.

117: Village church, surrounded by the Village Green.

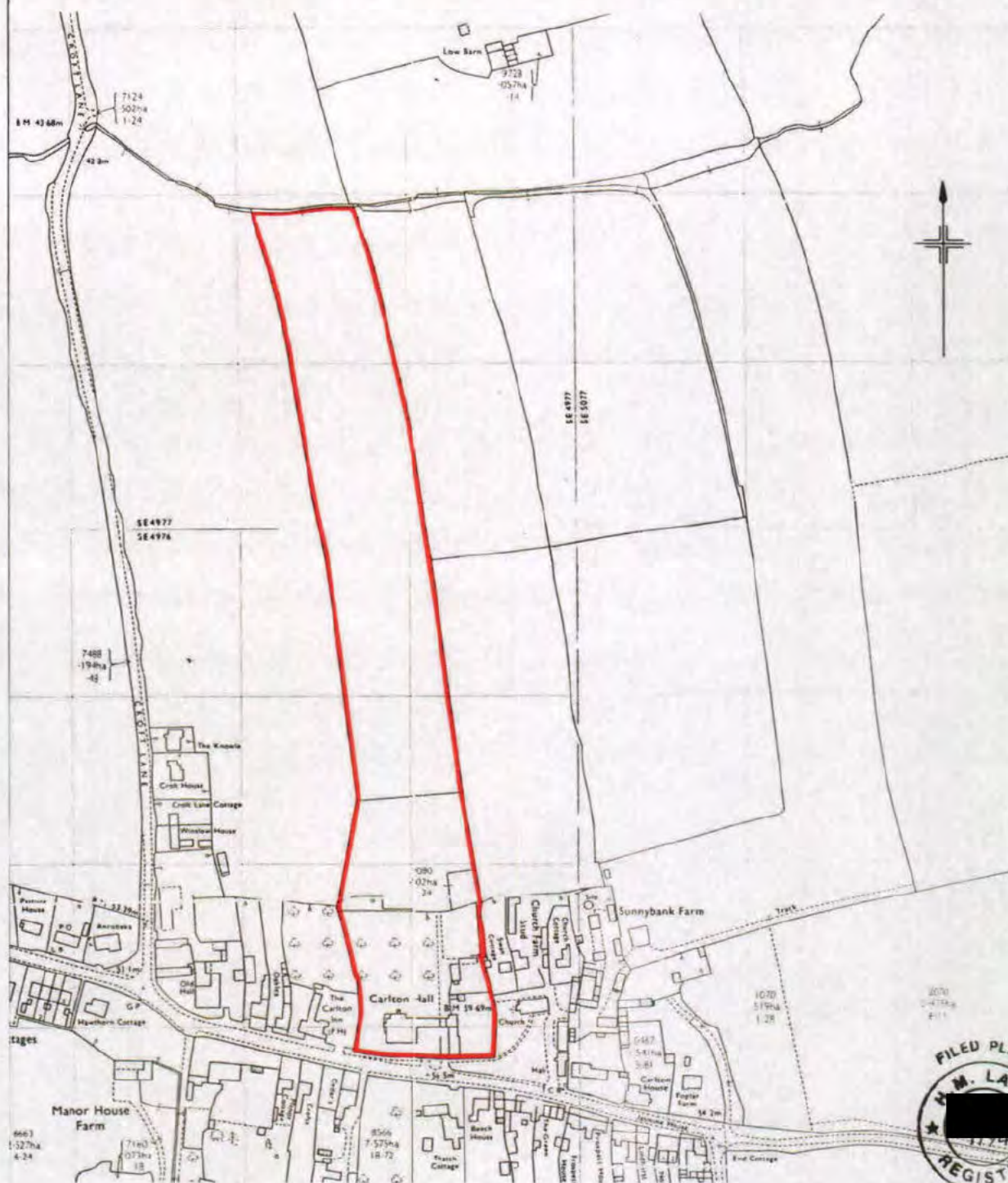
120: The Walled Garden of Carlton Hall.

121: Carlton Hall

122 Gardens of Carlton Hall



H.M. LAND REGISTRY		TITLE NUMBER <b>NYK 143005</b>	
ORDNANCE SURVEY PLAN REFERENCE	SE 4976 4977 5076 5077	Scale 1:2500	
COUNTY NORTH YORKSHIRE	DISTRICT HAMBLETON	© Crown copyright	



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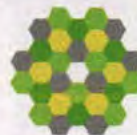
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# HM Land Registry

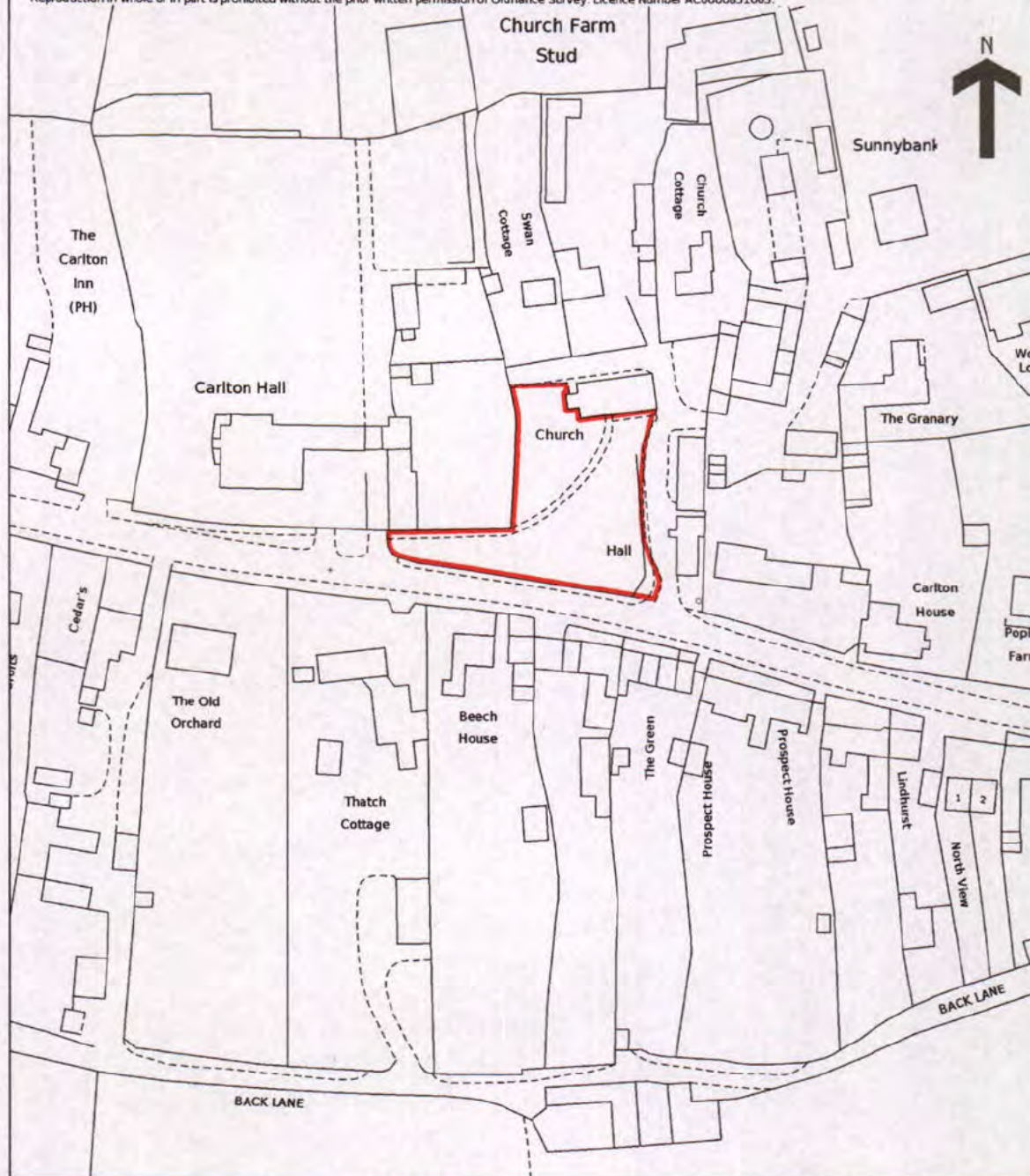
## Current title plan

Title number **NYK304383**  
 Ordnance Survey map reference **SE4976NE**  
 Scale **1:1250 enlarged from 1:2500**  
 Administrative area **North Yorkshire**



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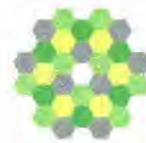
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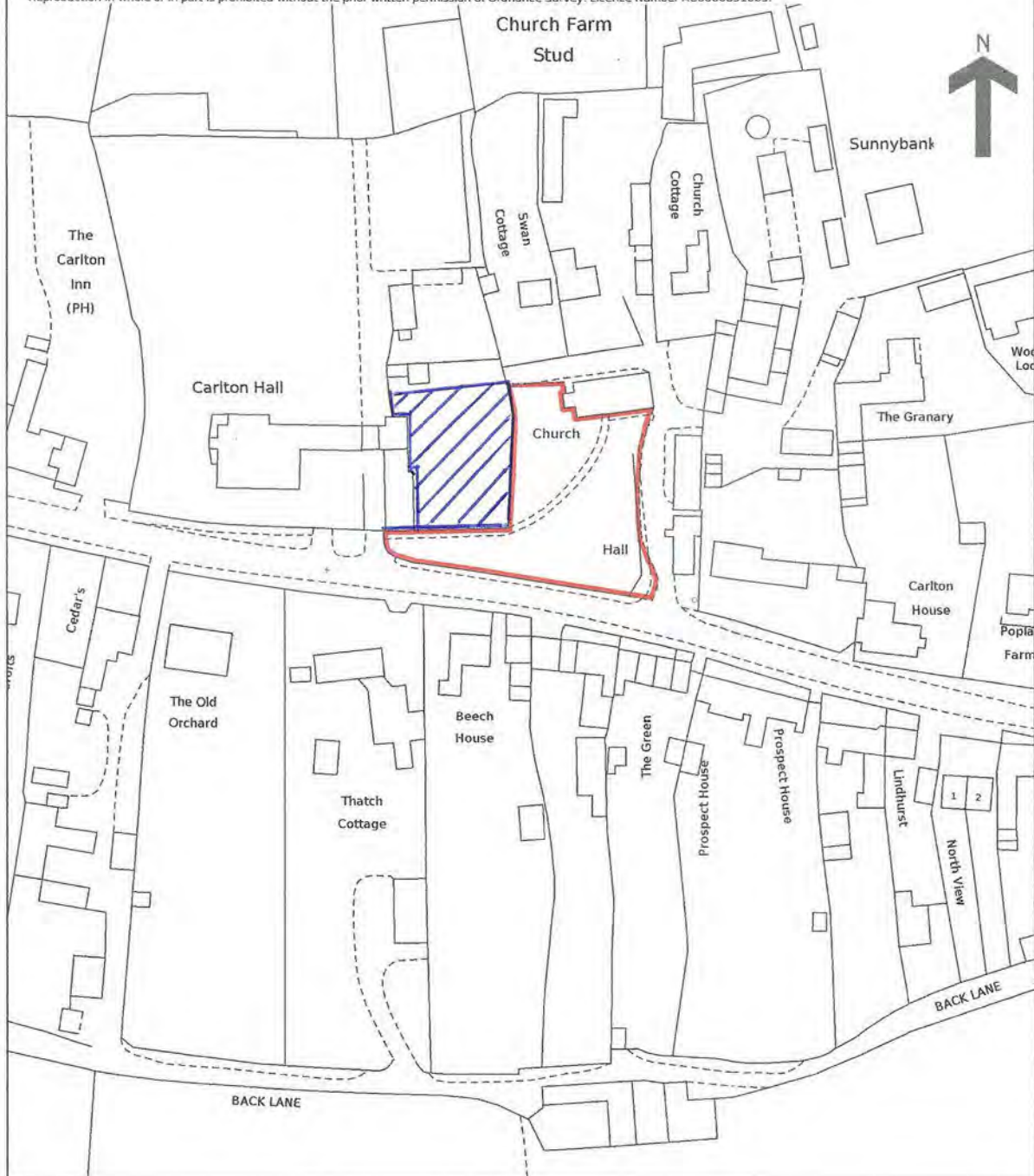


# HM Land Registry Current title plan

Title number **NYK304383**  
Ordnance Survey map reference **SE4976NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **North Yorkshire**



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This title is dealt with by HM Land Registry, Durham Office.



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/162

In the Matter of The Village Green,  
Carlton Husthwaite, Hambleton District

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Carlton Husthwaite, Hambleton District being the land comprised in the Land Section of Register Unit No.VG.58 in the Register of Town or Village Greens maintained by the former North Riding of 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 Mr. W. J. Dickinson claimed to be the freehold owner of part 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 Northallerton on 8th October 1975.

Mr W. J. Dickinson appeared and produced a conveyance to him of Carlton Hall by Lt. Col. Palmer dated 10th June 1975 whereby Carlton Hall including its walled garden was conveyed to him and a statutory declaration by Lt. Col. Palmer dated 8th June 1975 to the effect that he was responsible as chairman of the Parish Meeting for effecting the registration of Unit No.VG.58 and included the said walled garden in error. The Parish Meeting have by a letter dated 26th March 1974 addressed by their solicitors to the Commons Commissioners admitted that the Walled Garden edged red on the plan annexed to this decision was included in the registration in error.

On this evidence I am satisfied that Mr Dickenson is the owner of the said land edged red and in the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land in question.

I shall accordingly direct the North Yorkshire County Council as the registration authority to register Mr W. J. Dickenson as the owner of the walled garden edged red and to register Hambleton District Council as the owner of the remainder of the land in question under section 8(3) 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 8<sup>th</sup> day of December 1975

  
Commons Commissioner



I, JOHN RUSSELL PALMER M.C., of Holly House, Carlton Husthwaite near Thirsk in the County of North Yorkshire Lieutenant Colonel in H.M. Army Retired  
HEREBY SOLEMNLY AND SINCERELY DECLARE as follows:

1. In or about One thousand nine hundred and seventy in my capacity of Chairman of the Carlton Husthwaite Parish Council I caused to be registered with the then North Riding of Yorkshire County Council the Village Green at Carlton Husthwaite.
2. I included in the registration a plan which showed the Village Green but by mistake I included the Walled Garden on the West side of the Village Green as part of the Village Green whereas in fact it formed part of the property which I then owned known as Carlton Hall, Carlton Husthwaite.
3. The said Walled Garden has never formed part of the Village Green but has always been part of Carlton Hall and is shown on the plan on the Deed which conveyed Carlton Hall to me and the said Walled Garden and Village Green are shown on the plan hereunto annexed and surrounded with red and green lines respectively.
4. The mistake was entirely mine and at no time has anyone ever claimed that the said garden formed part of the Village Green.
5. On discovering my mistake I endeavoured to rectify the plan but the North Riding County Council informed me that there was no way in law by which the plan could be altered except by a Private Act of Parliament.
6. As I am satisfied that no-one is ever likely to claim the garden as part of the Village Green I do not propose to go to the expense of promoting a Private Act of Parliament.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Declarations Act 1835.

DECLARED at

this

*eight*

day of

*June*

1975

Before me





Title register for:

Carlton Hall, Carlton Husthwaite, Thirsk, YO7 2BR (Freehold)

Title number: NYK143005

Accessed on 18 October 2024 at 10:28:49

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.

This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number	NYK143005
Registered owners	TIMOTHY PETER MARKS Carlton Hall, Carlton Husthwaite, Thirsk, North Yorkshire, YO7 2BR
Last sold for	No price recorded

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1	1993-10-22	NORTH YORKSHIRE The Freehold land shown edged with red on the

plan of the above Title filed at the Registry and being Carlton Hall, Carlton Husthwaite, Thirsk (YO7 2BR).

2	1993-10-22	<p>The land has the benefit of the following rights granted by a Conveyance of the land in this title dated 25 July 1979 made between (1) William James Dickinson and Charlotte Teresa Dickinson (Vendors) and (2) Leslie Thomas Price and others (Purchasers):-</p> <p>"TOGETHER WITH (in addition and without prejudice to the general words implied in Conveyances by Section 62 of the Law of Property Act 1925) the right of access and making communication with and using the ditch or drain running along the east side of Field Number 92 on the said plan for the passage or conveyance of sewage water and soil from the property hereby conveyed as is now and has heretofore been used and enjoyed"</p> <p>NOTE: The field numbered 92 referred to above is the field on the western side of the land in this title.</p>
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## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

**Class of Title:** Title absolute

Entry number	Entry date	
1	1993-10-22	<p>PROPRIETOR: TIMOTHY PETER MARKS of Carlton Hall, Carlton Husthwaite, Thirsk, North Yorkshire, YO7 2BR.</p>

## C: Charges Register

**NORTH YORKSHIRE COUNTY COUNCIL**

**COMMONS REGISTRATION ACT 1965**

**NOTICE OF APPLICATION FOR AMENDMENT OF REGISTER**  
**LAND CEASING TO BE TOWN OR VILLAGE GREEN**

Application has been made to the North Yorkshire County Council by Mr Timothy Peter Marks of Carlton Hall, Carlton Husthwaite, Thirsk, North Yorkshire YO7 2BR for the amendment of the Register of Town or Village Greens by the removal of the land described below, which it is claimed ceased to be a town or village green on 5 March 1976 in the following circumstances –

The land comprised in the application is the walled garden of Carlton Hall, Carlton Husthwaite, and was incorrectly registered as part of the village green in 1968. The only access to the walled garden, both at the time of registration and up to the present day, is from the private gardens of Carlton Hall and since its registration as part of the village green, the land has only been used and maintained as a garden by the owners of the Hall or used by persons entering onto the land with their permission. Following a Commons Commissioner's Hearing in October 1975, the land was formally recognised as being part of Carlton Hall.

Any person wishing to object to the proposed amendment should, within forty days of the date of this notice, send a written and signed statement of the facts upon which he/she bases his/her objection to –

The Head of Legal Services  
Room 17D  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AD

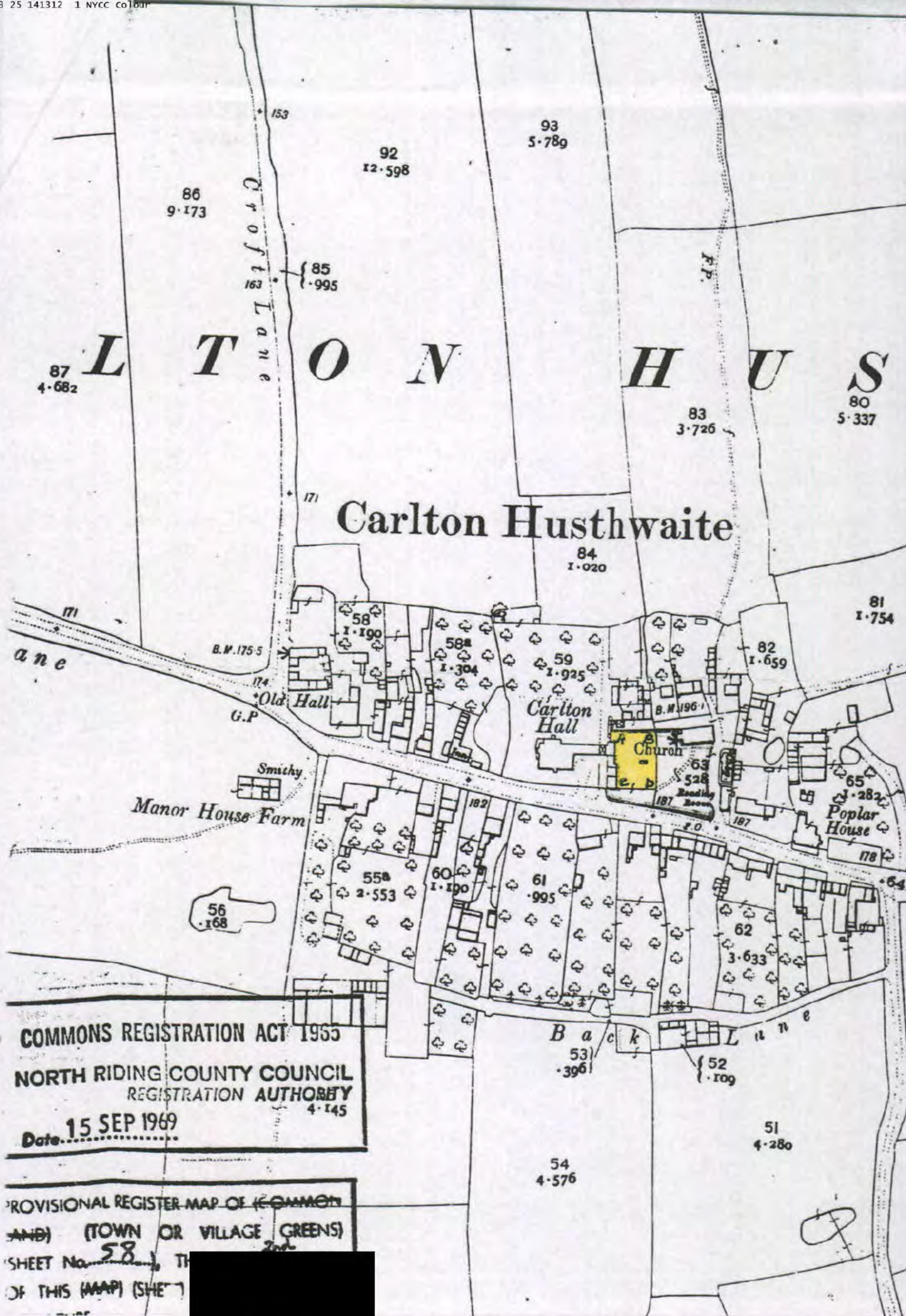
**DESCRIPTION OF THE LAND REFERRED TO ABOVE**

Land comprising the walled garden of Carlton Hall, Carlton Husthwaite, forming part of Register Unit No VG 58.

Dated 19 December 2003

MS C H WHITEHEAD  
Head of Legal Services

County Hall  
NORTHALLERTON







Chairman RODNEY LEGG Charity no 214753 General Secretary KATE ASHBROOK

Mr R G Pennell  
Legal Services  
North Yorkshire County Council  
Chief Executive's Group  
County Hall  
Northallerton  
North Yorkshire DL7 8AD

9 January 2004  
Your Ref: RGP/12328

Dear Mr Pennell

**Re: Commons Registration Act 1965 – Application to De-register Land  
forming part of Carlton Hall, Carlton Husthwaite – Carlton Husthwaite  
Village Green (VG 58)**

Thank you for your letter of 15 December.

I have considered the information which you have supplied. I am concerned that this is the second application to de-register a village green which I have received recently from your Council.

It is widely accepted that a green can only cease to be a green as a result of a statutory process of appropriation, exchange of, or compulsory acquisition. Recreational rights derived from any of the three limbs of the definition of a green in section 21(1) of the 1965 Act cannot be lost by abandonment or disuse because they are enjoyed by all the inhabitants of the locality in which the green in question lies. This is illustrated in the case of *New Windsor Corporation v Mellor* 1975.

In addition the registration should be regarded as being immune from challenge under section 10 of the Act.

The society does receive applications to de-register common land, but has not so far received any applications to de-register village green land and we are very concerned that you are processing such applications.

I should be grateful if you could deal with the above issues and under the circumstances at present we would oppose the application to de-register.

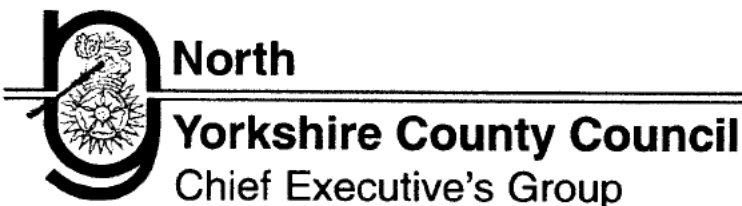
Yours sincerely

RP

Case Officer

25A Bell Street, Henley-on-Thames, Oxon RG9 2BA

tel: 01491 573535 fax: 01491 573051 e-mail [hq@oss.org.uk](mailto:hq@oss.org.uk) website: [www.oss.org.uk](http://www.oss.org.uk)



Your ref:

Our ref: RGP/12328

Contact: Richard Pennell

14 September 2004

**Catherine H Whitehead, Solicitor****Head of Legal Services**

County Hall, Northallerton, North Yorkshire, DL7 8AD

**DX 69140 NORTHALLERTON 3**

Tel: [REDACTED]

E:mail: [REDACTED]

Web: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Dear Mr Marks

**Commons Registration Act 1965 – Application to De-register Land forming part of Carlton Hall, Carlton Husthwaite – Carlton Husthwaite Village Green (VG 58)**

I refer to your application for the removal of land forming part of Carlton Hall, Carlton Husthwaite, from the Register of Town or Village Greens (VG 58).

Please accept my sincere apologies for not keeping you informed of the situation. The County Council has recently been reviewing its policy for dealing with applications of this nature and this has inevitably led to some delays.

Following public advertisement of your application, an objection was received from the Open Spaces Society – a copy is attached for your information. The Society are objecting on the grounds that land can only cease to be a village green as the result of a statutory process of appropriation, exchange or compulsory acquisition and that recreational rights cannot be lost by abandonment or disuse.

Having reviewed the grounds of your application and taking into account the objection made by the Open Spaces Society, the County Council does not consider that there are valid grounds for removing the land in question from the Register of Town or Village Greens. I am aware that the land forming part of Carlton Hall has almost certainly never been used by the local inhabitants as a green, but because the registration of the land became final in 1970, it is nonetheless deemed to have acquired that status. The difficulty is that land can only be de-registered if it ceases to be a village green, i.e. the application must show that events subsequent to the registration have caused the land concerned to cease to be a village green. It is not sufficient under the current legislation to rely on the claim that the land was registered in error and recent case law has in fact established that an application of this nature cannot challenge a registration which has become final under Section 10 of the 1965 Act, as stated in the letter from the Open Spaces Society. One possible option would be to effect an exchange of land, whereby an area of land is given in exchange for the area which is removed from the Register, but obviously this will depend on individual circumstances.

I hope that this letter clarifies the reasons for the County Council's decision in this matter, but should you have any further queries please do not hesitate to contact me on the above direct line.

Yours sincerely

[REDACTED]  
for Head of Legal Services

Mr T P Marks  
Carlton Hall  
Carlton Husthwaite  
THIRSK  
North Yorkshire  
YO7 2BR



INVESTOR IN PEOPLE

**keep north yorkshire together**

Carlton Husthwaite village green

HC

Hugh Craddock

To: [REDACTED]  
22/10/2024 11:41

1

Dear Mr Marks

Thank you for your recent e-mail about the erroneous registration of part of Carlton Husthwaite village green. As you say, the history of the faulty registration is documented in the decision of the Commons Commissioner as to ownership under the Commons Registration Act 1965. There was nothing that could be done under the 1965 Act to enable the removal of the erroneously-registered part of the green, and this explains this society's objection to the application made in 2003.

North Yorkshire now is one of several local authority areas pioneering the implementation of Part 1 of the Commons Act 2006. Part 1 enables application to correct certain errors in the register. I have no doubt that an application could be made under para.6 of Sch.2 to the 2006 Act. However, such an application attracts a fee, which is appointed by the commons registration authority to which the application is made: you should be able to find out about the fee on the authority's website.

In your e-mail, you allude to the possibility of an application under s.19 of the 2006 Act, for which no fee is payable. So far as this provision enables the deregistration of land, it does so only where an application can show that an error was made by the commons registration authority. However, on the information provided, there is no evidence of any error made by the commons registration authority, whereas plainly there is evidence of an error made on the part of the parish meeting. In short, a commons registration authority was obliged provisionally to register land as common land, or town or village green, as the case may be, on the basis of the application made to it for that purpose. It seems that this is what the authority did in this case. We therefore suggest that an application should be considered under para.6, and agree that on the basis of the information available to us, we would be unlikely to object.

However, it sometimes happens that such applications fail adequately to show how the criteria contained in para.6 are met, and in such circumstances we might submit a holding objection seeking clarification. It is important therefore that any application is fully documented to show how the application criteria are satisfied. It is in effect irrelevant to such an application to show that the registration was the product of a mistake. See the Government guidance at [Commons registers: apply to rectify them](#).

Regards

Hugh

Hugh Craddock  
Case Officer  
Open Spaces Society  
25a Bell Street  
Henley-on-Thames  
RG9 2BA  
Email: [REDACTED]  
[www.oss.org.uk](http://www.oss.org.uk)  
Tel: 01491 573535

Please note that usually I work Monday, and Tuesday to Thursday mornings, only  
(Registered in England and Wales, limited company number 7846516)



**Carlton Husthwaite Parish Meeting**

12<sup>th</sup> March 2025

**Mr Tim Marks**  
Carlton Hall  
Carlton Husthwaite  
Thirsk,  
North Yorkshire

**Dear Tim,**

Thank you for your detailed letter regarding the historical mapping error made in 1965 that resulted in the inclusion of the Carlton Hall walled garden on the Village Green Register. We appreciate the background information provided and the steps you have taken to address this matter.

The members of the Carlton Husthwaite Parish Meeting have reviewed the contents of your letter and confirm that we are in agreement with the following points:

1. As per the letter sent by the Parish Meeting on 26 March 1974, and the decision made by the Commons Commissioners in 1975, there was an error in the mapping during the registration process in 1965, which resulted in the inclusion of the Carlton Hall walled garden on the Village Green Register.
2. The Parish Meeting confirms that there are no objections to the de-registration of the Carlton Hall walled garden from the Village Green Register in order to correct this error. This position is consistent with the earlier views expressed by the Parish Meeting and the decision of the Commons Commissioners.
3. The Parish Meeting also confirms that at no time before the registration in 1965, nor since its registration, has there been any change in the use of the land. The land remains and has always been part of the walled garden within the curtilage of Carlton Hall.

We hope this confirmation will assist in your efforts to correct the error and proceed with the de-registration process. If you require any further information or documentation from the Parish Council, please do not hesitate to contact us.

Yours faithfully,

**Kevin Harrison**  
Secretary, Carlton Husthwaite Parish Meeting



Carlton Hall Walled Garden and Village Green photos taken in October 2024.



Above: the enclosing eastern boundary wall, separating the village green and church from the walled garden.



Above: the Southern Boundary wall and Carlton Hall buildings enclosing the walled garden.





Above: Western boundary and access within the curtilage of Carlton Hall.



Above: The village green showing the enclosing boundary wall to the Carlton Hall walled garden.



NOTE: This section contains the registration of the land comprised in this register unit.

**Registration authority**

NORTH RIDING COUNTY COUNCIL

Register unit No. V.G. 58

Edition No.

# Register of

TOWN OR VILLAGE GREEN

COMMONS REGISTRATION ACT 1965

**NORTH RIDING COUNTY COUNCIL**  
**REGISTRATION AUTHORITY**

Date. 15 SEP 1969

See Overleaf  
for Notes

LAND SECTION—Sheet No. 1.

[illegible]

Registration authority  
North Riding County Council

Edition No. 1

## Register of Town or Village Greens

OWNERSHIP SECTION—Sheet No. 1

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 18th March 1976	(a)	W.J. Dickinson, Carlton Hall, Carlton Husthwaite.	Walled garden contained within the area marked A-B-C-D on the register map.
	(b)	Hambleton District Council	The remainder of the land shown edged Green on the Register map.
2 18th March 1976		The registration at (a) above was made in pursuance of Section 8(2) and the registration at (b) above was made in pursuance of Section 8(3) of the Commons Registration Act 1965 in accordance with a Direction made by C.A. Settle, Commons Commissioner, dated 5th March 1976 - Ref: 268/U/162	



C A R L T O N H U S T H W A I T

Carlton Husthwaite

Butt Lane

Manor House Farm

Carlton Hall

Church

Poplar House

COMMONS REGISTRATION ACT 1965  
NORTH RIDING COUNTY COUNCIL  
REGISTRATION AUTHORITY  
Date 15 SEP 1969

PROVISIONAL REGISTER MAP OF (COMMON  
LAND) (TOWN OR VILLAGE GREENS)  
SHEET No. 58  
OF THIS MAP (S)  
SIGNATURE