



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/7

In the Matter of land adjoining Deepdale  
Beck, Lartington, Teesdale D., Durham

DECISION

This reference relates to the question of the ownership of land adjoining Deepdale Beck, Lartington, Teesdale District being the land comprised in the Land Section of Register Unit No. CL.10314 in the Register of Common Land maintained by the Durham 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 the Executors of Mrs. O.J. Field 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 Bishop Auckland on 29 April 1975. At the hearing (i) Mr. J.W. Stone, solicitor of Cobbetts, Solicitors of Manchester appeared on behalf of himself and as representing Mr. D.H. Mayhew and Mr. J.H. Judd, and (ii) Mr. A.E. Pooley (on whose application the land had been registered as common land) attended in person.

In the course of his evidence Mr. Stone produced: (1) a conveyance dated 5 April 1918 by which Lartington Hall and other lands in Lartington, Cotherstone, Startforth, Boldron and Bowes were conveyed to Mr. Norman Field; (2) probate dated 15 April 1958 of his will (he died on 30 December 1957); (3) an assent dated 12 April 1966 in favour of his widow, Mrs. O.J. Field absolutely; and (4) probate dated 7 May 1974 of her will (she died on 20 June 1973) granted to himself (Mr. Stone) Mr. Mayhew and Mr. Judd.

The land ("the Unit Land") comprised in this Register Unit (it contains as I scale the Register map between  $\frac{1}{2}$  and  $\frac{1}{4}$  of an acre) is between the River Tees and the road from Barnard Castle to Lartington, just north of where this road crosses Deepdale Beck; it is a piece of unused land, rough and uncultivated on the edge of the River.

The lands conveyed by the 1918 conveyance comprised over 4,000 acres (of which about 2,400 acres are Moors), and were therein described in the Schedule and by reference to annexed plans. Mr. Stone identified the Unit Land with the piece therein called: "Pt. 134. Garden etc. between Footbridge and Deepdale Beck (acres) .400", being part of about 25 acres headed "Bed of River Tees from Bridge End Mill Barnard Castle to the junction of the Lance Beck with the River Tees and land adjoining the River"; the Unit Land is at the east end of the land comprised in the conveyance. The same piece was similarly described in the 1966 assent.

Mr. Pooley said that he did not challenge the ownership claim.

On the above evidence, I am satisfied that Messrs. Stone, Mayhew and Judd are the



owners of the Unit Land, and I shall accordingly direct the Durham County Council as registration authority to register Mr. James Winder Stone of 12 Marsden Street, Manchester M12 2BX, Mr. Derek Horace Mayhew, of Yew Trees, Lartington, Barnard Castle, Durham, and Mr. James Hubert Judd, of 28 St. James Place, London, S.W.1 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 6<sup>th</sup> — day of May 1975

*a. a. Baden Fuller*

Commons Commissioner