



COMMONS REGISTRATION ACT 1965

Reference No. 211/J/16

In the Matter of Land near Raine's House,
Butterknowle, Lynesack and Softly

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 62 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 Mr W R Thompson claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit Land at Darlington on 22 July 1960.

At the hearing Mr W R Thompson appeared and gave evidence. The Unit Land is a narrow strip of land lying between the roadway and the boundaries of fields forming part of Breckon Hill Farm. Mr Thompson has been the owner of the Farm for some 30 years - it was bought by his father in 1915 and devolved on Mr Thompson under his father's will. There is a wall along the boundary between the Unit land and the adjoining fields, and there are gates in the wall through which his cattle go and graze on the Unit land. Mr Thompson has kept the grass on the Unit land cut when necessary, as his father did before him.

Mr Thompson registered a right to graze cattle on the Unit land, which has become final and it was in consequence of his application to register the right that the registration as Common Land was made. In my view his acts in relation to the Unit land are referable to the exercise of his grazing right and are not acts of ownership of the land, and I am not satisfied that he or any other person is the owner of the Unit land, which ~~accordingly~~ 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 sent to him, require me to state a case for the decision of the High Court.

Dated

4 August

1960

L. J. Mann's Smith

Commons Commissioner