



COMMONS REGISTRATION ACT 1965

Reference Nos. 220/D/232
220/D/233

In the Matter of Holcombe Moor
part in Rossendale and part in
Blackburn, Lancashire

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos. 1 to 24 inclusive in the Rights Section of Register Unit No. CL 42 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No. 59 made by Mr Geoffrey Leonard Wilde and noted in the Register on 4 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Preston on 24 November 1981. At the hearing the persons on whose application the Rights Section registrations were made or the persons who claimed to be their successors in title or to be concerned as tenants were represented as stated in column 4 of the Schedule hereto.

The land ("the Unit Land") in this Register Unit is irregularly shaped being very approximately like a U open to the south, the north part of the U being about $1\frac{1}{2}$ miles long from east to west, and the east and west parts of the U being respectively about 2 miles and $1\frac{1}{2}$ miles from north to south. The Unit Land on its north side adjoins the south side of the land ("the CL 215 land") in Register Unit No. CL 215, being Long Grain Moor; on its south side it adjoins the west, north and east side of the land ("the CL 93 land") in Register Unit No. CL 93. The Unit Land and the CL 93 land together make up the area on the Register map called Holcombe Moor which includes (on the north part of the CL 93 land) the summit of Bulls Hill (1,372 feet) and (on the south east part of the Unit Land) the summit of Harcles Hill (1,216 feet); the Moor is north west of and not far from Ramsbottom. I held hearings immediately after this one about the CL 93 Land and the CL 215 Land; however the evidence then given was not relevant to any question arising out of the said disputes with which I am now concerned.

The Land Section registration of the Unit Land was made on the application of Mr Philip Eric Leghorn, he in his application describing himself as "member of Turton Sub-Committee, Bolton & District Civic Trust". The registrations in the Rights Section are summarised in the Schedule hereto. In the Ownership Section, (at Entry No. 1) the Hon. Ralph John Assheton is registered as owner of the part of the Unit Land in the Urban District of Ramsbottom and in the Municipal Borough of Haslingden, being (as I read the Register map) all the Unit Land except two comparatively small areas adjoining and within the west boundary; and (at Entry No. 2) Mr Edward James Thomas is registered as owner of the southern of these two areas (Quarltton Heights). The grounds of the Objection are:- "The land shown on the attached plan was not common land at the date of registration. The land forms part of a farm owned by the objector which is let to a tenant for agricultural purposes". The attached plan shows two pieces of land ("the Objection Pieces"), the larger being about 500 yards long (very small when compared with the rest of the Unit Land, situated south of Top o' th' Moor Farm and on the Register Map marked "P" and the smaller about 200 yards long and nowhere more than about 20 yards wide situated a short distance to the east of the other and on the Register map marked "QR".



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All present or represented at the hearing agreed that the Objection Pieces should not have been registered. I have a letter dated 30 June 1981 from Mr Leghorn saying that when he drew up the map of Common Land on Holcombe Moor he included by mistake some land belonging to Mr Wilde. I have letters from George Clough, Willis & Co, solicitors of Bury saying in effect that they consider from the information available to them that no useful purpose would be served by Mr Wilde (or someone representing him) attending the hearing. Nobody at the hearing suggested that the Land Section and the Rights Section registrations ~~was~~ not except as regards the Objection Pieces proper, and I infer that there were many present who could if need be (there was I think no need) have given evidence about this.

In the above circumstances, I confirm the Land Section registration with the modification that there be removed from the Register the two pieces of land shown on the plan attached to the Objection being two pieces one south of Top o' th' Moor Farm and on the Register map marked "P" and the other smaller situated a short distance to the east and on the Register map marked "QR". And I confirm the Rights Section registrations at Entry Nos 1 to 24 inclusive without any modification save such as is necessarily consequential on the removal of the said two pieces from the Register.

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.

SCHEDULE

Entry No.	Applicant; and land to which right is attached	Right; and part of Unit Land over which exercisable	Representation at the hearing
1	Thomas Edmondson Pleasant View Farm	Graze 650 sheep and followers. Over whole of Unit Land except Objection Pieces	Mr Thomas Edmondson attended in person
2	Gerald Lionel Gordon Noel of the National Trust. Broadwood Edge Farm	Graze 240 sheep. Over the whole of the Unit Land.	Mr Keith Thomas Wood as tenant of the National Trust of this farm and of Lower Buckden Farm and Chatterton Close Farm (see Entry Nos. 4 and 5 below) attended in person
3	Gerrard Lionel Gordon Noel of the National Trust. Lower Buckden Farm	Graze 285 sheep. Over the whole of the Unit Land.	Mr K T Wood as tenant (see Entry No. 2) attended in person



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4	Gerrard Lionel Gordon Noel of the National Trust. Lower Red Lees Farm	To graze 474 sheep. Over the whole of the Unit Land	
5	Gerrard Lionel Gordon Noel of the National Trust. Chatterton Close Farm	Graze 270 sheep. Over the whole of the Unit Land.	Mr K T Wood as tenant (see Entry No. 2 above) attended in person
6	Charles Simpson Jnr Dowry Head Farm	Graze 10 head of cattle and 50 sheep. Over the whole of the Unit Land except the Objection Pieces	Mr Charles Simpson was represented by Mr R J Medlock, solicitor of Woodcock & Sons, Solicitors of Rossendale
7	Bertha Moss Higher Red Lees Bungalow	Graze 10 head of cattle and 20 sheep. Over the whole of the Unit Land except the Objection Pieces	---
8	Richard Hilditch Harcles Hill Farm	Graze 12 head of cattle, 20 horses and 30 sheep. Over the whole of the Unit Land except the Objection Pieces	Mr Richard Hilditch attended in person
9	William Tyldesley Holcombe Hey Fold Farm	Graze 350 sheep and 40 head of cattle. Over the whole of the Unit Land except the Objection Pieces	---
10	Colin Mitchell Cronkshaw Fold Farm	Graze 50 head of cattle and 250 sheep. Over the whole of the Unit Land.	---
11	Fred Pendlebury and Beryl Wynne Pendlebury Longshaw Head Farm	Graze 90 sheep and turbarry. Over part of Unit Land lying west of DE and the Register map (Quarleton Heights)	---
12	Minister of Agriculture, Fisheries and Food. Great House and Alden Farms	Graze 250 sheep and followers and 50 head of cattle and turbarry. Over whole of the Unit Land except the Objection Pieces	The Minister was represented by Mr R Turner, Solicitor in his Legal Department



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- 13 Edward James Thomas.
Barons Farm and
Wickenlow Farm
- Graze 180 sheep or
60 head of cattle
or 60 horses; and
turbary.
Over the whole of
the Unit Land
- Mr Edward James
Thomas attended
in person; he
explaining that the
right was attached
to Barons Farm (the
building), to the land
farmed with it,
to part of the land
formerly farmed with
Wickenlow Farm and
part of the land formerly
farmed with Wickenlow
Hill Farm; but was not
attached to the buildings
now known as Wickenlow
Farm and Wickenlow Hill
Farm
- 14 Secretary of State
for Defence, and at
Ramsbottom and at
Tottington shown on
a map
- Graze 1,176 sheep or
235 head of cattle
"or sheep and cattle
together to a limit of
1,176 gates each sheep
counting as one gate
and each head of cattle
counting as 5 gates";
and turbary.
Over the whole of the
Unit Land except the
Objection Pieces
- Secretary of State for
Defence was at a hearing
relating to the CL 93
Land represented by
Mr F Barlow of counsel
instructed by Hodgson &
Sons Solicitors of Preston
as agents for the Treasury
Solicitor. Mr Barlow was
present at this Unit Land
hearing but was without
any instructions as to it.
- 15 Martha Alice Pickford
and Elizabeth Ellen
Sharrocks.
Red Earth Farm
- Graze 50 sheep and
turbary.
Over the part of the
Unit Land west of the
the line DE on the
Register map
(Quarlton Heights)
- Mr Stuart Goodwin and
Mrs Evelyn Goodwin as
owners in succession
to the applicants
were represented by
their friend Mr Philip
Davies of Wickenlow
Farm (see Entry No. 17
below)
- 16 George Entwistle and
Ernest Entwistle
Three Acre, Lark Hill
and Stanley Rake Farms
- Graze 40 head of cattle
and 350 sheep and
turbary.
Over the whole of the
Unit Land except parts
lying south of FG and
HI in the Register map
(this part includes the
Objection Pieces) and the
part east of the line JK
and LM
- Messrs George and Ernest
Entwistle were
represented by
Mr R J Medlock solicitor
of Woodcock & Sons
Solicitors of Rossendale



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- 17 Thomas Gregson Buckley and Kathleen Joan Buckley.
Wickenlow Farm
- Turbary and graze 50 head of cattle, 100 sheep and 15 horses.
Over part of the Unit Land lying west of DE (Quarlton Heights)
- Mr Philip Davies as owner in succession to the applicants attended in person
- 18 Lee Bamwell.
Wickenlow Hill and Barons Farms
- Graze 231 sheep or 77 head of cattle; and turbary.
Over the whole of the Unit Land
- Mr E J Thomas attended as owner of Barons Farm (both the building and the land farmed within it and as owner of the land farmed with Wickenlow Hill in succession to the applicant, see Entry No. 13 above.
- 19 John Edward Pegg and Alice Pegg
Lower Dick Field Farm
- Graze 12 head of cattle and 2 horses over the part of the Unit Land south of the line NO in the Register map but excluding the Objection Pieces
- 20 Annesley Charles De Renzy Martin
Higher Dick Field Farm
- Graze 12 head of cattle, 2 horses and 24 sheep over the part of the Unit Land south of the line NO
- 21 John Woodcock
Land formerly part of Bramley Fold Farm
- Graze 1 head of cattle, cut and take turf and peat, and take stone over the whole of the Unit Land except parts lying east of JK and LM south FG and HI (exception includes Objection Pieces)
- Mrs Catherine Deidre Woodcock as widow of and as owner in succession to the applicant was represented by Mr R J Medlock solicitor Woodcock & Sons Solicitors Rossendale
- 22 John Woodcock and Catherine Deidre Woodcock.
Tonge Fold
- Graze 8 head of cattle cut and take turf and peat. Over the whole of the Unit Land except the same as is above mentioned applicable to Entry No. 22
- Mrs Catherine Deidre Woodcock as survivor was represented by Mr R J Medlock (see Entry No. 21 above).



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- 23 John Woodcock and Catherine Deirdre Woodcock. Land at Hawkshaw
Grazed 1 head of cattle, cut and take turf and peat Over the whole of the Unit Land with the same exception as is applicable as above mentioned at Entry No. 21
Mrs Catherine Dieder Woodcock was represented by Mr R J Medlock (see Entry No. 21 above)
- 24 John Smethhurst Maxwell and Richard Maxwell Barlow
Hamlets Farm, Nock Farm, Taylors Farm, Plane Tree Farm, Simons Spout Farm, Higher Redisher Farm, Loe Bank Farm, Higher Ridge Farm, Middle Ridge Farm, Lower Ridge Farm, Simons Farm, Sundial Farm, and Lower Redisher Farm
Grazed 500 sheep or 100 head of cattle or 20 horses; and turbarry Over the whole of the Unit Land

Dated the 27th day of January 1982

A. A. Baden Fuller

Commons Commissioner