



COMMONS REGISTRATION ACT 1965

Reference Nos. 220/D/11
to 14 inclusive

In the Matter of land on
Clitheroe Road, Sabden,
Ribbles Valley District,
Lancashire

DECISION

These disputes relate to the registration at Entry No. 16 in the Rights Section of Register Unit No. CL30 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No. 112 made by Mr D J Yorke and Colonel G G H Bolton as trustees of the Standen Settle Estates and noted in the Register on 4 December 1970, by Objection No. 116 made by Mr J E R Aspinall and noted in the Register also on 4 December 1970, by Objection No. 129 made by Major T F Oxley, Mr G M Robinson and Mr M L Bolton as trustees of the G P Le Starkie marriage settlement and noted in the Register on 15 January 1971 and by Objection No. 352 made by the Hon R J Assheton and noted in the Register on 13 June 1972.

I held a hearing for the purpose of inquiring into these disputes at Preston on 24 January 1978. At the hearing (a) Mr K Shaw solicitor of Foysters, solicitors of Manchester represented (1) Major F T Oxley, Mr G M Robinson and Mr M L Bolton (they with others applied for Rights Section Entry Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12; and they made Objection No. 112), (3) Mr J E R Aspinall (he applied for Rights Section Entry Nos. 14 and 15 and made Objection No. 116), (4) the Hon R J Assheton (he applied for the Ownership Section registration and made Objection No. 352), and (5) Mr G P Le G Starkie (he applied for Rights Section Entry No. 1); (b) Mr G A Hartley Solicitor represented (6) Northwest Water Authority (he is their principal solicitor) as successor of Calder Water Authority (they applied for Rights Section Entry No. 13 now Entry Nos. 19 and 20); (c) Mr I B Dearing solicitor of Steel and Son, solicitors of Clitheroe represented Mr T R G Unsworth of Wells Spring Hotel, The Nick, Pendle, Pendleton as successor in title of Orville Lowe Limited (they applied for Rights Section Entry No. 16), and (d) Miss A Alston MBE represented Sabden Parish Council (she is one of their members).

I adjourned the proceedings at the request of Mr Shaw, Mr Hartley and Mr Dearing who said that the circumstances were essentially the same as those of the disputes relating to Register Unit No. CL83. Miss Alston handed me a statement in which the claim was made that the land belonged to the Parish Council; she also claimed that the land is common land.

With regard to the part taken by Miss Alston in the proceedings, in my view neither the question whether or not the land is common land nor the question who is the owner of it are in issue in these proceedings. The first question does not arise because the registration of the land as common land pursuant to an application made in 1967 by the Parish Council, being undisputed, has become final. The second question does not arise because the registration of the Hon R J Assheton as owner of the land pursuant to an application made in 1969 by him, being undisputed, has become final.

I held the adjourned hearing at Preston on 11 December 1979 at the same time as the hearing relating to the said CL83 land. The evidence and information then given to me in relation to the CL83 land, my decision is of even date herewith and should be treated as supplemental to this decision.



The land ("the Unit Land") comprised in this Register Unit CL30 is next to and at the north end of the CL83 and compared with it is very much smaller. The persons who were concerned with the Unit Land were represented at the December 1979 hearing by Mr K Shaw and Mr G A Hartley (Mr W P Robinson was much concerned with the CL83 Land and was not interested in the Unit Land). Rights registered in the CL30 Rights Section are summarised in the First Schedule to my said decision, they being for the most part the same as rights as was registered in the CL83 Rights Section. Mr Shaw and Mr Hartley were agreeable that I should treat the evidence given in relation to the CL83 land as also given in relation the Unit Land and that my decision of these proceedings relating to the Unit Land have been the same as my decision in relation to the CL83 Rights Section Entry No. 17.

For the reasons set out in my said CL83 decision, I confirm the registration at Entry No. 16 and CL30 Rights Section with the modification that for all the words in column 4 there be substituted:- "1. to graze ~~54~~ sheep over the whole of the land comprised in this and registered unit no. CL83. 2. Right to estovers of turbary over the whole of the land comprised in this and registered unit no. CL83".

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 19th day of May 1980.

A. B. Bode Fuller

Commons Commissioner

Corrected at line 14 of page 2 by substituting '27' for '64'

A. B. Bode Fuller

7 July 1980