



COMMONS REGISTRATION ACT 1965

Reference No. 220/U/12

In the Matter of Part (west of  
Wet Moss) of Holcombe Moor,  
Rossendale Borough, Lancashire

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land ("the Unit Land") known as Holcombe Moor, Rossendale Borough being the land comprised in the Land Section of Register Unit No. CL42 in the Register of Common Land maintained by the Lancashire County Council. The Referred Part is the part of the Unit Land which is not registered freehold at HM Land Registry and 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 no person claimed to be the freehold owner of the land in question and no one 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 Burnley on 9 December 1986. At the hearing (1) Mr Edward James Thomas who applied for the Rights Section registration at Entry No. 13 and the Ownership Section registration at Entry No. 2 was represented by his wife Mrs M Thomas; and (2) the Secretary of State for Defence who applied for the Rights Section registration at Entry No. 14 was represented by Mr R H Blowey, surveyor of Property Services Agency.

The Unit Land is irregularly shaped being very approximately like a U open to the south, the north part of the U, which includes an area on the Register map called Wet Moss being about  $1\frac{1}{2}$  miles long from east to west, and the east and west parts of the U being about 2 miles and  $1\frac{1}{2}$  miles respectively from north to south. In the Ownership Section at Entry No. 1, the Hon Ralph John Assheton is registered as owner of the part of the Unit Land lying within the boundaries of the Urban District of Ramsbottom and the Municipal Borough of Haslingden: that is, as owner of nearly all the Unit Land, being all except (1) a strip ("the Brown Land") coloured brown on my copy of the Register map, about  $\frac{2}{3}$  of a mile long from north to south and about 200 yards (average) wide, and situated along the north part of the west boundary of the Unit Land, west of Wet Moss; and (2) an area ("the Thomas Area") about  $\frac{1}{4}$  a mile long from north to south and about 300 yards (average) wide and on the Register map called Quarlton Heights. Of the Thomas Area, Mr E J Thomas is in the Ownership Section registered as owner. Of the Brown Land, an east-west strip being about  $\frac{1}{85}$ th of the whole of the Brown Land is registered at HM Land Registry under title No. P196366. So the Referred Part is the remainder, about  $\frac{84}{85}$ ths of the Brown Land. There are altogether 24 registrations in the Rights Section all of rights to graze; of these 12 include turbarry and 3 include to take stone.

Neither Mrs Thomas nor Mr Blowey offered any evidence as to any identifiable person being the owner of any of the Referred Part, although Mrs Thomas indicated what it looked like and how it had been used and Mr Blowey indicated how Property Services Agency had tried unsuccessfully to find an owner.



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In the absence of any evidence I am not satisfied that any person is the owner of the Referred Part and it 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 this 6<sup>th</sup> ———

day of January ———

1987

A. A. Baden Fuller

Commons Commissioner