



COMMONS REGISTRATION ACT 1965

Reference No.45/U/101

In the Matter of Birkhaw Quarry,
Appletreewick, Yorkshire (West Riding).

DECISION

This reference relates to the question of the ownership of land known as Birkhaw Quarry, Appletreewick, being the land comprised in the Land Section of Register Unit No.C.L.210 in the Register of Common Land maintained by the West Riding of Yorkshire 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. and Mrs. A.R. Sykes claimed to be the freehold owners 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 Skipton on 21st June 1973.

At the hearing Mr. J.P. Mewies, solicitor, appeared for Mr. and Mrs. Sykes, and the Appletreewick Parish Council was represented by its Clerk, Miss H.N. Rhodes.

The land the subject of this reference has an area of 3.575 acres, 0.217 acres of which consists of Ordnance No.260. Although the land in question is described in the Register Unit as "Birkhaw Quarry" and appears to be so named on the 6" to 1 mile Ordnance Map, it appears from the 25" to 1 mile Ordnance Map that most of the land forms part of "Ruskin Plantation". It was this mis-description which led Mr. and Mrs. Sykes to claim to be the owners of the whole of the land in the Register Unit. Mr. Coldwell produced a conveyance made 1st May 1972 made between (1) Thomas Lumb & Co.Ltd; and (2) Arthur Raney Sykes and Winifred Mary, his wife, whereby Ordnance No.260, with a substantial area of other land not material to these proceedings, was conveyed to Mr. and Mrs. Sykes. Mr. Coldwell also produced Mr. and Mrs. Sykes's documents of title going back to a good root of title dated 5th May 1921.

On this evidence I am satisfied that Mr. and Mrs. Sykes are the owners of the land comprised in Ordnance No.260, and I shall accordingly direct the West Riding of Yorkshire County Council, as registration authority, to register them as the owners of the land under section 3(2) of the Act of 1965.

Miss Rhodes was unable to adduce any evidence as to the ownership of the major portion of the land comprised in the Register Unit.

In the absence of any such evidence I am not satisfied that any person is the owner of the land 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



-2-

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 20th day of July 1973

Chief Commons Commissioner