

COMMONS REGISTRATION ACT 1965

Reference No 45/U/302

In the Matter of Great Moor Head, Stainforth, Craven District, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Great Moor Head, Stainforth, Craven District being the land comprised in the Land Dection of Register Unit No CL. 367 in the Register of Common Land maintained by the North Yorkshire County Council (Formerly West Riding 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 no person claimed to be the frechold owner of the land in question and no 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 24 March 1976. At the hearing (1) Mr W A O J Bell (executor of Mr Michael Dawson who died on 23 March 1976) was represented by Mr R H Bowring chartered surveyor of Davis & Bowring Chartered Surveyors and Land Agents of Gisburn, Via Clitheroe, Lancs; and (2) Mr Thomas Metcalfe, on whose application (jointly with Mr James Metcalfe) Entry No 2 in the Rights Section was made, attended in person.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) 31.533 hectares (about 88 acres). It is situated a little to the west of Silverdale Road (from Stainforth to Halton Gill), and is north of and adjoins Moor Head Lane. There are two Entries in the Rights Section: (1) of a right (in gross) to graze 92 sheep made on the application of Mrs M C Dawson, and (2) of a right attached to Sherwood House Farm to graze 8 sheep made on the application of Mr T Metcalfe and Mr J Metcalfe (James Metcalfe & Son).

Mr Bowring said that in a telephone conversation with Mr J P Koppel, he understood that he might be able to prove that he is the lord of the manor, and therefore entitled to ownership, and that Mrs M C Dawson is the mother of Mr Michael Dawson. Mr Metcalfe produced a conveyance dated 6 September 1954 by which Mr J F Ballen conveyed land to Mr James Metcalfe and himself (Mr Thomas Metcalfe), and said that Mr James Metcalfe (his father) died about 3 years ago. Neither produced any evidence of ownership of the Unit Land, but both thought it possible that if further investigations were made such evidence might be obtained.

In view of this possibility, I said I would adjourn the proceedings if before 24 May Mr Bowring or anybody else requested me to do so, but in the absence of such a request (I have received none) I would give my decision on the basis of no evidence of ownership having been offered.





In the absence of any evidence I am not satisfied that any person is the owner of the Unit Land, and it will therefore be 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 26 17 day of May -

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Commons Commissioner