



COMMONS REGISTRATION ACT 1965

Reference No. 268/D/332

In the Matter of Moorland, Laverton,
 Harrogate B

DECISION

This dispute relates to the registration at Entries Nos. 5, 6, 7, 9 and 11 in the Rights Section of Register Unit No. CL 116 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 1649 made by Mr G S Bostock and noted in the Register on 28 April 1972.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 12 March 1981. The hearing was attended by Mr R Wakefield, of Counsel, appearing on behalf of Mr Bostock; and by Mr J H Nicholson, the applicant for registration at Entry No. 6.

Mr Bostock claims ownership of a section of the land comprised in the Register Unit ("the Unit land") lying to the east, and Mr Wakefield told me that Mr Bostock had recently purchased the remainder from Leeds City Council, which is registered as the owner of the remainder in the Ownership Section.

Mr Nicholson gave evidence. The rights in Entry No. 6 are claimed to be attached to Castiles Farm, which is on the north side of the Unit ~~land~~. The Nicholson family came to the farm in 1938 - they were tenants until 1947 when his father purchased the farm. The boundary between the farm and the Unit land is walled, but there are three gates and a creep. Since 1938, sheep from the farm, which could maintain up to 500 sheep, have been continuously grazed on the Unit land during the winter months (December to March) without any objection or challenge from anyone. An occasional bucket of peat was taken from the moor, but regular cutting had not been possible since 1938 when the peat was destroyed by fire. Since 1947 he had shot perhaps two or three pheasants a year for eating, and in company with the owner's keeper had shot and kept rabbits.

The rights registered under Entry No. 6 are to shoot rabbits and game, turbarry and to graze 120 sheep. On the evidence I do not find that the rights to shoot and of turbarry are established, but the right to graze 120 sheep ~~is~~ *is in during the* in my view established, and accordingly I confirm the registration modified to comprise that grazing right but no other rights.

Entry No. 7 was registered on the application of Mr James Chandler who, though not present at the hearing informed me on the following day that he had agreed to release the right registered and I refuse to confirm the registration. There was no appearance by, or on behalf of, the applicants for registration at Entries Nos. 5, 9 and 11, and in the absence of evidence to support, these registrations, I refuse to confirm them.



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

15 April

1981

L. J. Morris Smith

Commons Commissioner