



COMMONS REGISTRATION ACT 1965

Reference No.44/D/49

In the Matter of Stony Moor, Newton and
Pickering, North Yorkshire (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 50 in the Register of Common Land maintained by the former North Riding County Council and is occasioned by Objection No.0299 made by the Minister of Agriculture, Fisheries, and Food and noted in the Register on 6th October 1970.

I held a hearing for the purpose of inquiring into the dispute at Malton on 11th February 1975. The hearing was attended by Mr W.D.Curnock, solicitor, on behalf of the Objector.

The registration was made in consequence of an application made by Mrs M. Vasey for the registration of rights of common. There were also noted applications by the Ramblers' Association and the former Pickering Urban District Council. Neither the Ramblers' Association nor the successor of the Urban District Council was represented at the hearing.

The Objection relates to the western part of the land comprised in the Register Unit and to a road known as Raindale Road running along the northern side of the eastern part of the land comprised in the Register Unit.

In addition to Mrs Vasey's registration of rights of common there were six other registrations of rights. Mrs Vasey's registration and five of the other registrations relate only to the eastern part of the land comprised in the Register Unit and so are not affected by the Objection. The only rights claimed over the western part of the land were those registered by Mrs A.M. Dunnington as being attached to The Stores, Newton on Rawcliffe. I was informed that Mrs Dunnington had sold her property to a Mr Spencer, but neither Mrs Dunnington nor Mr Spencer was present or represented at the hearing.

There was therefore no evidence to support this registration in so far as it relates to the western part of the land comprised in the Register Unit.

Part of Raindale Road is shown on the Definitive Map kept by the North Yorkshire County Council under the National Parks and Access to the Countryside Act 1949 as a public bridleway and the remainder as a public footpath. On this evidence I confirm the registration with the following modification:- namely the exclusion of the land edged in red on the plan attached to the Objection.

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 4th day of March 1975


Chief Commons Commissioner