



COMMONS REGISTRATION ACT 1965

Reference No 27/U/36

In the Matter of Chineley Burn, Freestone  
Quarry, Henshaw, Tynedale District,  
Northumberland

DECISION

This reference relates to the question of the ownership of land known as Chineley Burn, Freestone Quarry, Henshaw, Tynedale District being the land comprised in the Land Section of Register Unit No CL. 59 in the Register of Common Land maintained by the Northumberland 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 freehold owner of the land in question and no person claimed to have information as to its ownership. The Chief Commons Commissioner (Mr G D Squibb CC) held a hearing for the purpose of inquiring into the question of the ownership of the land at Hexham on 18 July 1973. Following this hearing Henshaw Parish Council informed the Clerk of the Commons Commissioners in a letter dated 8 August 1973 that the land was owned by Exors R R Rowell dec'd per Messrs E W S Portnell & Sons of Hexham, and E W S Portnell & Sons, solicitors of Hexham informed the Clerk in letters dated 14 September and 9 November 1973 that they acted for the Exors of R R Rowell and that they had discovered that the Quarry referred to under CL. 59 is within land comprising Craggside Farm formerly West Bank Head belonging to the Trust of R R Rowell deceased. In these circumstances the Chief Commissioner directed that this reference be relisted. However in a letter received on 20 December 1973, E W S Portnell & Sons said in effect that on further perusal of earlier deeds, it is now considered that the Quarry is not within the ownership of the Trust land at Craggside.

I held a hearing for the purpose of inquiring into the question of the land at Hexham on 3 May 1976. At the hearing Henshaw Parish Council were represented by Mr D Reay, their chairman and Mr D Nolan, their clerk.

Mr Reay said that the Parish Council did not claim ownership.

In the absence of any 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 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 11<sup>th</sup> day of May 1976

*a. a. Baden Fuller*

Commons Commissioner