



In the Matter of (1) Oxenhope and Midgley Moor and  
(2) Dimmin Dale, Wadsworth

SUPPLEMENTARY DECISION

This decision is supplementary to the decision herein dated 7 April 1983 as amended on 22 April 1985. As a result of representations that the earlier decision did not accurately record agreements between the applicants and the objectors communicated orally in the course of the hearing I agreed to reopen the hearing at Skipton on 22 January 1985.

This hearing was attended by Mr R W Balls on behalf of the Registration Authority West Yorkshire Metropolitan County Council Mr J C Atack Clerk to Wadsworth Parish Council Mr J J Peariman of Messrs Peariman, Grazil & Co Solicitors of Leeds representing Mr F R Scholesfield Mr R S Preston-Jones Land Agent representing the Right Honourable Lord Savile. Mrs J B Greenwood, Messrs M & D Sutherland Mr S Spyron (successor to Mr D Howker) Mr C Greenwood, Mr W C Ainsworth (on behalf of Mrs V G C Ainsworth) attended in person.

Mr Peariman produced written agreements signed by Mr Scholesfield and the applicant relating to applications at the following Entries in the Rights Sections.

- |              |         |   |
|--------------|---------|---|
| CL 498       | R.E.1   | To graze 100 sheep and 10 cattle grazing of cattle only between 1 June and 31 August.   |
| CL 297 & 498 | R.E.3-6 | To graze the following animals over both registered units from<br>(a) Ketham Farm 12 cattle or 48 sheep<br>(b) Claytons Farm 10 cattle or 40 sheep<br>(c) Little Nook Farm 12 cattle or 48 sheep<br>(d) Popples Farm 6 cattle or 24 sheep<br><br>Grazing of cattle limited to 1 June - 31 August. |
| CL 498       | 7       | 45 sheep; no cattle<br>Right only exercisable within the old parish of Wadsworth  |
| CL 297 & 498 | 8       | To graze 400 sheep and 20 cattle over both registered units<br>Grazing of cattle only during 1 June-31 August   |
| CL 297 & 498 | 11 & 12 | To graze 80 sheep or 16 cattle over both registered units.<br>Right only exercisable within the old Parish of Wadsworth and in the case of cattle only during 1 June-31 August.   |
| CL 297 & 498 | 28 & 29 | To graze 52 sheep; no cattle. Turbney Sand and Gravel for use on dominant tenement. Rights do not extend to Oxenhope Moor.  |



- CL 498 30 Rights not exercisable over Oxenhope Moor.  
 CL 297 30 }  
 CL 498 31 } Rights not exercisable over Oxenhope Moor. *and only during June*  
*- 31 August*
- CL 297 32 To graze 35 sheep or 6 cattle; grazing of cattle only during  
 1 June-31 August.
- CL 297 33)  
 498 ) Messrs D & S Hollings to graze 100 sheep over both units only  
 ) within the old Parish of Wadsworth No Turbary, *as owners*
- CL 297 Part) *of Spink's Hill Farm and 2 1/2 acres of Broadhead Farm*  
 498 34) *2 1/2 acres Mrs R. M. Greenwood is owner of 10 1/2 acres of Broadhead Farm*
- CL 297 34 pt To graze 30 sheep and 10 cattle on both units and Turbary Right  
 498 ~~34~~ only exercisable within the old parish of Wadsworth and in the  
~~acres~~ case of cattle only during 1 June-31 August.
- CL 297 35 To graze 22 sheep on both units but only within the old Parish  
 498 of Wadsworth
- CL 297 37 To graze 10 sheep on both registered units. The right is  
 498 38 exercisable in respect of Old Hold Farm and only within the old  
 Parish of Wadsworth
- CL 297 37 To graze 10 sheep or 2 cattle on both registered units. Right is  
 498 38 only exercisable in respect of Commons Farm and within the old Parish  
 of Wadsworth and in the case of cattle only during 1 June-31 August.
- CL 498 55 To graze 15 sheep or 3 cattle only within the old Parish of  
 Wadsworth and in the case of cattle only during 1 June-31 August.
- CL 498 60 To graze 12 sheep only within the old parish of Wadsworth
- CL 498 61 To graze 12 sheep only within the old parish of Wadsworth  
*The modification to Entry No 10 (CL 498) on which is my decision is*  
*limited to 3 cattle and 15 sheep and only exercisable within the old parish of Wadsworth*  
 White Hole Farm Entry No 45 on Register Unit CL 297 and No 48 on Registered Unit.  
 CL 498 was owned by Lord Savile at all material times until sold to  
 Mr Scholefield and any rights enjoyed by the tenant must depend on contract  
 and could not arise by prescription either at Common Law or by statute.

For these reasons I confirm the registrations which were the subjects of the agreements referred to in the third paragraph of this Supplementary Decision subject to the modifications mentioned and in any case in which the provisions of those agreements differ from what is set out in my amended decision and the provisions set out in this supplementary decision <sup>are</sup> to prevail.

I refuse to confirm the following registrations in the Rights Section

- CL 297 No 45  
 CL 498 No 48



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 30<sup>th</sup> day of May 1985

*George Hesketh*

Amended as allowed in Commons Commissioner  
and pursuant to para.  
33 of the Commons Commissioners  
Regulations 1971  
*George Hesketh*  
Commons Commissioner  
21.4.85.