



COMMONS REGISTRATION ACT 1965

Reference No.45/U/123

In the Matter of Cullingworth Little
Moor Brigley Bradford City Council

DECISION

This reference relates to the question of the ownership of land known as Cullingworth Little Moor Brigley Bradford City Council being the land comprised in the Land Section of Register Unit No.CL.120 in the Register of Common Land maintained by the former 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 Mrs M E Drake claimed to be the freehold owner of the land in question and no other 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 Bradford on 25 January 1978

Mr J P M Moody of Messrs. J P Mewies appeared for Mrs M E Drake and Mrs Yound a daughter of Mrs Drake gave evidence.

Mrs Yound was born in 1912 and has lived on the adjoining farm all her life, her mother is now aged 86. She said that she and her mother had always occupied the land in question and had fenced it against the road with an electric fence in 1955 which was replaced by a post and wire fence in 1975. The boundaries on the East and South adjoin Mrs Drakes land and the wall on the North Boundary, one fell into disrepair and was repaired by Mr Drake and Mrs Young. Mrs Young further said that no one else had ever fenced the land.

Mrs Drake has registered grazing rights over the land in question which are final and also over the land to the West of the road Unit CL.119 Hallas Rough Park as that registration and two other registrations are final.

I have reluctantly come to the conclusion that Mrs Drakes use of the land does not differ from her use of the adjoining land on the other side of the road and is consistent with the exercise of grazing rights and not adverse possession against the true owner. The purpose of an electric fence is to confine stock rather than to exclude persons from the land and one of its advantages is that it is readily moveable. The fencing of the land is not only in the interest of Mrs Drake but also of the users of the road. I was told that the land is a Metropolitan common subject to the provisions of section 193 of the L P A 1925 and Mr Moody will no doubt be able to protect Mrs Drakes grazing rights by virtue of sub section 1(F) and (C) of that Section.

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.



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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 25th day of March 1978

G A Jettie

Commons Commissioner