



In the Matter of Hoar Side Moor and
Park, Heptonstall and Blackshaw

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.397 in the Register of Common Land maintained by the ~~former~~ West Yorkshire Metropolitan 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 claims to ownership of parts of the land in question ("the unit land") were made by (1) Yorkshire Water Authority (2) Mr H Logg.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Wakefield on 9th May 1985.

At the hearing Mr Logg appeared in person and the Water Authority was represented by Mr R Simpson, Solicitor. Mr R S Preston-Jones, Land Agent, representing the Savile Estate, also appeared but made no claim to ownership.

The bulk of the unit land was comprised in the property conveyed by Baron Savile and the Savile Trustees to the Halifax Corporation, the Conveyance being dated 21 September 1924, and has since vested in Yorkshire Water Authority as successor water authority to the Corporation. A comparatively small area on the southern boundary of the unit land and not included in the Conveyance is claimed by Mr Logg. This is the area ("the B H area") forming part of the land verged red on the plan attached to this Decision, and is named Broad Holme on the register map. The B H area was part of the property which by a Conveyance dated 1 October 1959 was conveyed by John Jackson to Mrs E L Appleby, and was included in the property conveyed by her to Mr Logg by a Conveyance dated 1 November 1966.

On this evidence I am satisfied that Mr Logg is the owner of the B H area and that the Water Authority is the owner of the rest of the unit land. I shall accordingly direct the West Yorkshire Metropolitan County Council, as registration authority, to register them as such respective owners under section 8 (2) of the Act of 1965.

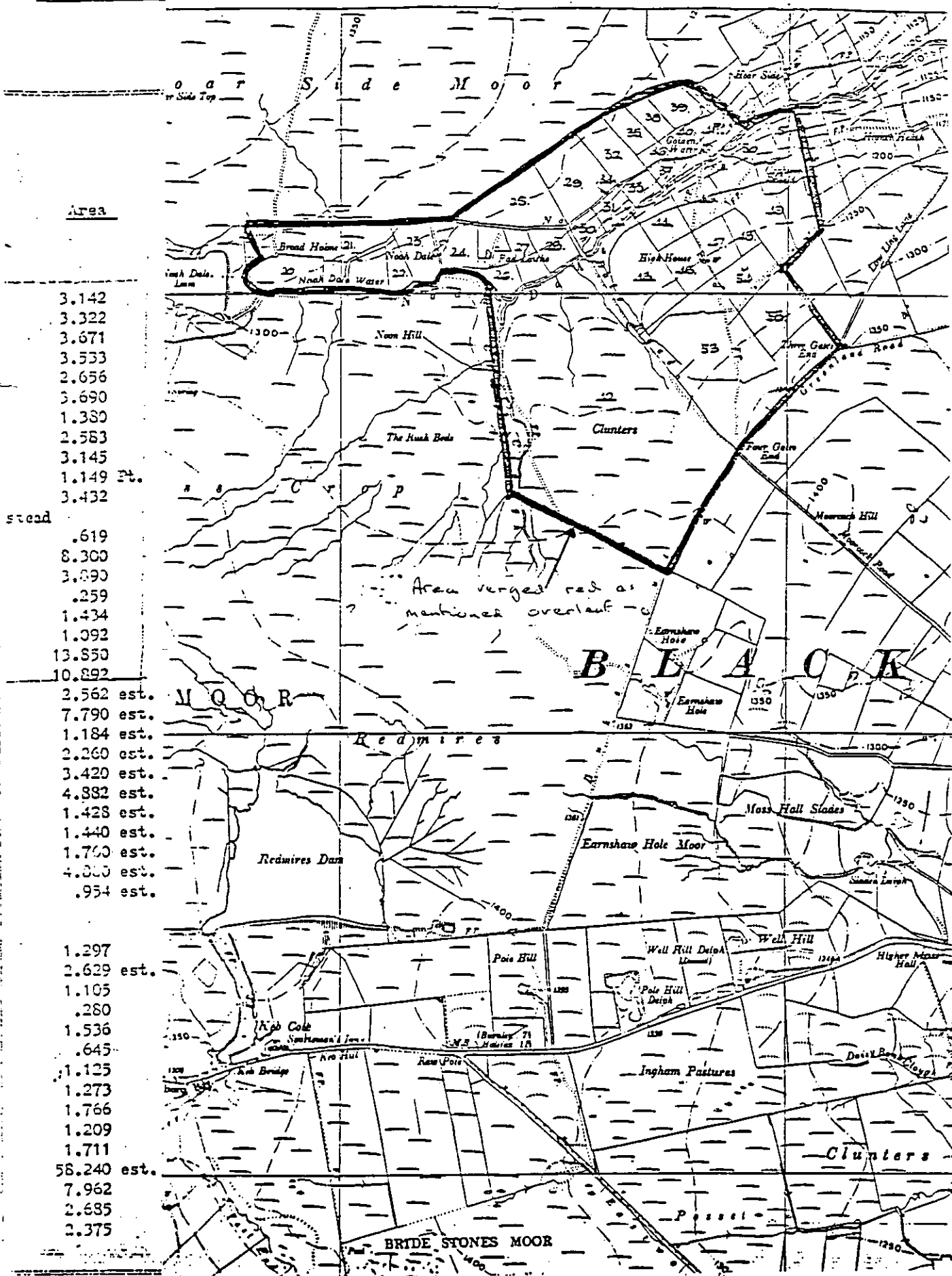
I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 14th day of November 1985

L. J. Morris Smith

Commons Commissioner

P.T.O. For Plan.



Area

- 3.142
- 3.322
- 3.671
- 3.533
- 2.656
- 3.690
- 1.380
- 2.583
- 3.145
- 1.149 Pt.
- 3.432
- stead
- .619
- 8.300
- 3.890
- .259
- 1.434
- 1.092
- 13.850
- 10.892
- 2.562 est.
- 7.790 est.
- 1.184 est.
- 2.260 est.
- 3.420 est.
- 4.882 est.
- 1.428 est.
- 1.440 est.
- 1.760 est.
- 4.000 est.
- .954 est.
- 1.297
- 2.629 est.
- 1.105
- .280
- 1.536
- .645
- 1.125
- 1.273
- 1.766
- 1.209
- 1.711
- 58.240 est.
- 7.962
- 2.685
- 2.375