



In the Matter of part of the land  
known as Netherwood Hey, Colne  
Valley, West Yorkshire

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL.580 in the Register of Common Land maintained by the West Yorkshire Metropolitan County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question or 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 Wakefield on 8 May 1985. At the hearing Mrs M Laycock and Mrs M Ingledew, who appeared in person, claimed ownership. No other claimant appeared.

The land comprised in CL.580 consists of two separated pieces of land, the more southerly of which is registered freehold under the Land Registration Acts, and accordingly this inquiry is not concerned with its ownership. Mrs Laycock told me that she and her sister Mrs Ingledew, live at Booth Farm, Slaithwaite, but carry on farming from Netherwood Farm, which lies near the south eastern corner of the northerly piece. Her father lived at Netherwood Farm till 1924 and grazed animals on both the pieces. As girls she and her sister worked regularly on the farm: now her husband and boys turn out the animals. There is a fence round part of the land in question to keep the cattle on. The land is left in its moorland state though when they lived at the Farm part was mown to provide horse bedding. There are other farmers who graze on the land, though this was not so in the old days.

Mrs Ingledew confirmed this evidence.

Grazing rights over CL.580 were registered by the claimants in respect of Netherwood and have become final. Whilst the evidence given may well support the acquisition of grazing rights it is, in my view, insufficient to establish ownership of the land in question. In the result I am not satisfied that any person is the owner of the land in question 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

*20 August*

1985

*L. J. Morris Smith*

Commons Commissioner