



COMMONS REGISTRATION ACT 1965

Reference No 45/U/332

In the Matter of Stone Quarry near
The Height, Naylor Hill, Oxenhope,
Bradford City Council

DECISION

This reference relates to the question of the ownership of land known as Stone Quarry near The Height, Naylor Hill, Oxenhope, Bradford City Council being the land comprised in the Land Section of Register Unit No CL. 595 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 each of them Mr J Haigh and Mr F R Scholefield claimed to be the freehold owners 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 26 January 1978.

Mr Haigh and Mr Scholefield appeared in person and Mr Field appeared on behalf of Bradford City Council. Mr R Fletcher also appeared.

Mr Haigh claimed a possessory title and said his father purchased the adjoining farm in 1937 and he took over the farming in 1962. The land is 3 acres 3 roods and 30 perches and the two long boundaries have always been walled; the two narrow ends are and always have been open. He said he had manured part of the land and tethered horses on it and it had been grazed by him and his father before him and by no one else. He had repaired one of the walls and the adjoining owner has repaired the other.

Mr Fletcher then said he had grazed part of the land and suggested that if Mr Haigh had a title he might have a title to part of the land.

I was told that the land is a Metropolitan Common, and Mr Haigh said people came and picniced there and he had never objected to them; he further said he knew nothing of Mr Fletcher's grazing but that might be due to the contours of the land.

In my view the evidence does not establish that either Mr Haigh or Mr Fletcher have been in exclusive occupation of the land.

The true owner of the land is Mr Scholefield whose title is indistinguishable from that to the land Unit No CL. 578 the subject of my decision on Reference No 45/U/328.

I regret that I find myself unable to accept the claims put forward by Mr Haigh and Mr Fletcher and now that Mr Scholefield has established his title it is open to him to cooperate with Mr Haigh and Mr Fletcher so as to enable them to use this waste for agriculture.



On this evidence I am satisfied that Mr F R Scholefield is the owner of the land, and I shall accordingly direct the West Yorkshire County Council, as registration authority, to register Mr F R Scholefield as the owner of the land under section 3(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 23rd day of March 1978

Y. A. L. H. C.

Commons Commissioner