



COMMONS REGISTRATION ACT 1965

Reference Nos. 270/D/137-141

In the Matter of the piece of land being part of Stansfield Moor and known as Hoppet, Blackshaw

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DECISION

This dispute relates to the registrations at Entry No. 7 (formerly 1) in the Land Section and at Entry No. 9 in the Rights Section of Register Unit No. CL 605 in the Register of Common Land maintained by the West Yorkshire Metropolitan County Council and is occasioned by Objections made by Mr and Mrs H Cam and the Calder Water Board.

I held a hearing for the purpose of inquiring into the dispute at Bradford on 29 March 1983. The hearing was attended by Mr D Green in person and Mr J D Prytherch, Solicitor for the North West Water Authority, the statutory successor to the Calder Water Board. This hearing was an adjournment of an earlier hearing on 20 May 1982 also at Bradford. On that occasion the Solicitor appearing for the Water Authority had been granted an adjournment because of the unavailability of a witness on terms that the authority compensated Mr Green who was present for expenses occasioned by that attendance.

The application in the Land Section originally applied to the whole of Stansfield Moor but by amendments made between March 1970 and July 1973 the area was reduced to 49.4 acres.

Although the last of these amendments was intended to meet the objections of Mr and Mrs Cam they did not formally withdraw their objections, as appears from their solicitors letter dated 21 April 1982, but no one appeared to support them.

Mr Daniel Green said in evidence that he and his wife Hazel Mary had purchased the alleged dominant tenement in September 1980 from William Grimshaw, the original applicant. They had been tenants of the land since 1963 and Grimshaw had occupied the land before them since 1946/7. While in occupation of the land the witness had grazed 100 ewes.

In cross-examination he said that he was content to limit his claim to sheep.

Mr Prytherch said that the Calder Water Board had acquired the land from the Thursby Estate in 1923 under powers which limited the amount of common land which could be acquired by a local authority.

Mr John Halsted Ormerod of Moor Fell Farm, Hurstwood called on behalf of the Water Authority said that he had lived at Moor Fell Farm since 1939 and was now aged 49. His farm was situated just west of Hurstwood Reservoir and he farmed most of the Water Board's land as its tenant. His family had been such tenants since 1952. The register unit was not very good land.



- 2 -

In cross-examination the witness said that he had seen sheep other than his own on the register unit, about 10-20. He did not know that there was any claim that the land was common land before it was registered. The owner of Stapenden Farm also grazed the register unit but did not register a claim, neither did his purchaser.

On the evidence I am satisfied that Mr and Mrs Green have made good a claim to graze 100 ewes though not for the rights claimed by their vendor.

Mr Prytherch undertook that the North West Water Authority would pay £10. to Mr Green pursuant to its undertaking. For these reasons I confirm the registration with the modification that it is limited to 100 ewes.

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

9<sup>th</sup>

day of

June

1983

Commons Commissioner