



COMMONS REGISTRATION ACT 1965

Reference No. 211/D/1

In the Matter of Barningham Moor,
Barningham, Teesdale D., Durham

DECISION

This dispute relates to the registration at Entry No. 6 in the Rights Section of Register Unit No. CL.127 in the Register of Common Land maintained by the Durham County Council and is occasioned by Objection No. O378 made by Trustees of Barningham Estate and noted in the Register on 19 July 1971.

I held a hearing for the purpose of inquiring into the dispute at Bishop Auckland on 30 April 1975. At the hearing Sir Mark Vane Milbank, Baronet, K.C.V.O., Rt. Hon. James Edward Ramsden and Mr. James Frederick Smith, who are the Trustees of the Barningham Estate, were represented by Mr. Smith (acting for his two co-trustees and himself) solicitor, of Smith, Roddam & Co., Solicitors of Bishop Auckland.

The land ("the Unit Land") comprised in this Register Unit is a Moor which (as I scale the Register map) is about 3 miles long and for the most part between 1 mile and $\frac{3}{4}$ of a mile wide. The Rights Section of this Register Unit contains 9 Entries, 8 of which are of rights to graze sheep; Entry No. 6 (with which this reference is concerned) is "Full sporting rights over the whole of the land comprised in this Register Unit" attached to Manor House Farm, and was made on the application of Mrs. Gladys Mary Henderson. In the Ownership Section, the said Trustees are registered as owners of all the land comprised in this Register Unit. All the said Entries except No. 6, being undisputed, have become final.

The grounds stated in the Objection are:- "The Trustees (who are also Lord of the Manor) own the freehold of Barningham Moor and nearly all the tints and have always exercised the exclusive sporting rights over the Moor. They object to the claim that the any sporting rights go with the 12 stints registered above."

Mr. Smith produced a letter dated 18 April 1975 from Freeman Daly & Jacks, Solicitor of Darlington, in which, acting on behalf of Messrs. G.F. & J.T. Alderson who purchased Manor House Farm from Mrs. G.M. Henderson in November 1971 they say (among other things) that their clients do not wish to make any claim to sporting rights over Barningham Moor, and so far as they are concerned do not wish to pursue the matter and will not be represented at the hearing (under the 1965 Act).

Mr. Smith explained why the Trustees had objected to Entry No. 6; the sporting rights have always been enjoyed by the Estate by virtue of the ownership of the Trustees and are of value; his statement was confirmed by Mr. F.G. Beadon, the Agent of the Estate. I motored over part of the Unit Land two days after the hearing, and on appearance alone it is unlikely that any one farm would have attached to it sporting rights over the Moor. In the absence of any person attending to support the Entry, it is I think unnecessary for the Trustees to give any other evidence in support of their objection. I conclude that the Entry was mistakenly made.



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For these reasons I refuse to confirm the registration.

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 8th — day of May 1975

a. a. Baden Fuller

Commons Commissioner