



In the Matter of Ellenshaw Wham and Grewelthorpe Moor, Grewelthorpe, Harrogate B

DECISION NO 2

This dispute relates to the registration at Entry No 1 in the Rights section of Register Unit No CL 168 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 469 made by the Countess of Swinton and noted in the Register on 4 January 1971.

I held a hearing (adjourned from 11 March 1981) for the purpose of inquiring into the dispute at Harrogate on 25 October 1984. At the hearing Mr N Cunliffe-Lister, Solicitor, appeared on behalf of the objector. The applicants for registration of the Entry did not appear, and Mr G W Procter who at the previous hearing claimed to be their successor, was not present or represented: he had written on 16 October ¹⁹⁸⁴ stating that the grazing rights are held by the Swinton Settled Estate.

The Countess of Swinton is registered as the owner of the Moor and it appears that in September 1974 she acquired ownership of Ellenshaw Farm, to which the grazing right in Entry No 1 is claimed to be attached. This, Mr Cunliffe-Lister submitted resulted in an extinction of the grazing right by reason of merger. In 1979 she sold the Farm to a Mr Mason, with an express exclusion of grazing rights.

In these circumstances, and in the absence of any evidence to support the claimed right, I refuse to confirm the Entry.

I am required by regulation 30(1) of the 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

10 January 1985

L. J. Cronin Smith

Commons Commissioner