



COMMONS REGISTRATION ACT 1965

Reference No 45/3/305

In the Matter of The Allotment, Ingleborough,
Austwick, Craven District, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Allotment, Ingleborough, Austwick, Craven District being the land comprised in the Land Section of Register Unit No. CL. 339 in the Register of Common Land maintained by the North Yorkshire County Council (formerly 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 Dr J A Farrer claimed to be the freehold owner of the land in question and the Solicitor for Mr E Beswick (he is noted on the Register as being entitled to the sporting rights claimed by Ashdale Land and Property Company Limited under a conveyance dated 22 July 1969) said that they believed the owner to be Dr J A Farrer and that it formed part of the Ingleborough Estate. 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 Skipton on 25 March 1976. Dr Farrer attended the hearing in person.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) 163.968 hectares (405 acres), is about 3 miles northeast of Clapham, and extends from Juniper Gulf (about 1350 feet) to Lords Seat at the top of Simon Fell (2079 feet).

Dr Farrer in the course of his evidence produced: (1) a copy of the Austwick Inclosure Award dated 24 October 1814 and made under the Clapham (Township of Austwick) Inclosure Act 1809 (49 Geo.3 c.xcvii), (2) an abstract of a vesting assent dated 20 October 1949 and made by the personal representatives of Mr S J Farrer (he died 26 December 1946) in favour of Mr M R Farrer, (3) a copy of a vesting assent dated 3 August 1954 and made by the personal representatives of Mr M R Farrer (he died 24 December 1953) in favour of himself (Dr J A Farrer), and (4) a terrier of the Littleborough Estate Plan and Reference 1887.

The 1814 Award contained an allotment to "...James William Farrer An Allotment ...lying upon Ingleborough containing...390a 3r Op bounded...subject to the Allotments...hereinbefore set out...within the same for the digging...of turf". The two assents included the Manor of Austwick. The Terrier included the Unit Land.

Dr Farrer said that the description in and the plan attached to the 1949 assent included the Unit Land. This was confirmed by the production of the original assent in London at the office of the Commons Commissioners, the Unit Land being therein described as the Bowsber Allotment containing 407.356 acres (being Moor 401.406 and Pasture 5.950).



On the evidence summarised above I am satisfied that Dr Farrer is the owner of the Unit Land, and I shall accordingly direct the North Yorkshire County Council as registration authority to register Dr John Anson Farrer of Hall Garth, Clapham, near Lancaster as the owner of the land under section 8(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 30th day of April — 1976

A. A. Baker Fuller

Commons Commissioner