



In the Matter of the land known as Gordale or  
Gordale Scar, Malham

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. 587 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objections No. 788 and 802 made by Frank Sharp and Anthony Wilson respectively and noted in the Register on 17 and 21 May 1971 and the conflicting registration at Entry No. 1 in the Land section of Register Unit No. 144 in the Register of Town or Village Greens maintained by the Council and to the registration at Entry No. 1 in the Land Section of the Register Unit No. 144 in the Register of Town or Village Greens maintained by the said Council occasioned by Objections No. 789 and 801 made by Frank Sharp and Anthony Wilson respectively and noted in the Register on 17 and 21 May 1971 and the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. 587 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 14 May 1981. The hearing was attended by Mr P Clayden (General Secretary) appearing for the Commons, Open Spaces and Footpaths Preservation Society the applicant at Entry No. 1 in the Land Section of the Register of Town or Village Greens and by Mr W Foster of Messrs Walker Charlesworth and Foster, Solicitors of Skipton appearing for Mr Sharp and Mr Wilson.

The Malham Parish Meeting which was the applicant at Entry No. 1 in the Land Section of the Register of Common Land had withdrawn its application shortly before the hearing.

Mr Clayden stated that the land was comprised in an Enclosure Award dated 12 November 1849 awarding 12 acres 18 perches of land to the Churchwardens and overseers of the parish of Malham.

Mr Sharp said that his father had bought Stonybers Farm and at the time this land was tenanted. Later the tenant left and his father took over the land. There were no boundaries. Only the witness had the right of grazing sheep on the land. He was not aware that there was any problem until he learned of the registrations. Mr Malcolm Anthur Wilson said that his father was the owner of Gordale Farm and that he (the witness) had lived there 20 years. Mr Clayden said that the land had been registered in 1968 and the objections in 1970. The objectors had failed to respond to any offer to discuss this matter and he asked for costs against the objectors, who had refused to discuss the matter with his clients. Mr Foster said that an owner was entitled to object.

For these reasons I confirm the registration in the Land Section in the Register of Town or Village Greens and I do not confirm the Entry in the Land Section of the Register of Common Land.

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

4<sup>th</sup> 1981

day of

June

1981

*Henry Hamble*  
Commons Commissioner