

COMMONS REGISTRATION ACT
1965



Reference No. 270/U/16

In the Matter of part of Row Greaves,
Colne Valley, Kirklees B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.534 in the Register of Common Land maintained by the West Yorkshire Metropolitan County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

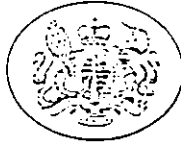
Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question ("the unit land") or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Wakefield on 7 May 1985. At the hearing Mr J T Flint appeared and claimed ownership; there was no other claimant present.

By a Conveyance dated 29 July 1970 Mr and Mrs John Wood conveyed to Mrs Grace Flint a number of freehold properties. These included (1) Hopwoods Farm, shown on a plan attached to a Conveyance dated 27 January 1965, which lies to the west of the unit land (2) three farms known as High Green Owlers, Piper Holes and Lower Green Owlers. On the Register Map Higher Greene Owlers & Piper Holes both lie outside and are not part of the unit land. The third farm, Lower Green Owlers, appears on that map to lie near to and, possibly encroach upon the unit land at its southern end.

Following the death of Grace Flint and by virtue of a Conveyance dated 12 July 1983 Hopwoods Farm and the other three farms were vested in John Robert Flint (Robert) and John Travis Flint (Travis) as joint tenants as part of their partnership property. I understand that since the hearing Robert has died.

The Conveyances of 1970 and 1983 mentioned above contain no plan of the property, the description of Lower Green Owlers being "all that messuage dwellinghouse or tenement.. with the two barns mistal and other out-buildings closes lands grounds and hereditaments and appurtenances thereto belonging". In a Statutory Declaration dated 27 January 1986 by Robert Garside, Mr Garside states that he was the owner from 1959 to 1964 of land at Lower Green Owlers which he identifies on a plan, on which the land corresponds to the unit land; and further that this land has always been described in the deeds as "all that messuage.. etc", the full description he sets out being the same as that quoted above. In a Statutory Declaration by Travis dated 28 October 1985 he states that in 1970 his mother purchased from Mr and Mrs Wood (inter alia) Lower Green Owlers shown on a plan exhibited to his Declaration, this being in fact the unit land; that he has farmed this land and believes that it is correctly described on the plan and was part of the property purchased by his mother.



The Conveyance of 1983 to Robert and Travis excludes the dwelling house Lower Green Owers which had in 1971 been sold and conveyed by Mrs Grace Flint to Ian Roberts. I have seen a copy of this Conveyance to Mr Roberts, which has a plan showing the area sold to Mr Roberts. This area appears to include a part of the unit land, and this part is not claimed by Travis.

Upon the evidence I am satisfied that Travis is the owner of the unit land, except the part sold to Mr Roberts, and I shall accordingly direct the West Yorkshire Metropolitan County Council, as registration authority, to register him as such owner under section 8 (2) of the Act of 1965. There was no claim before me to the ownership of the part sold in 1971 to Mr Roberts and I heard no evidence as to its present ownership, and this part will remain subject to protection under Section 9 of the Act. Annexed to this Decision are the plans on the 1971 Conveyance showing the part conveyed to Mr Roberts.

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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

17th

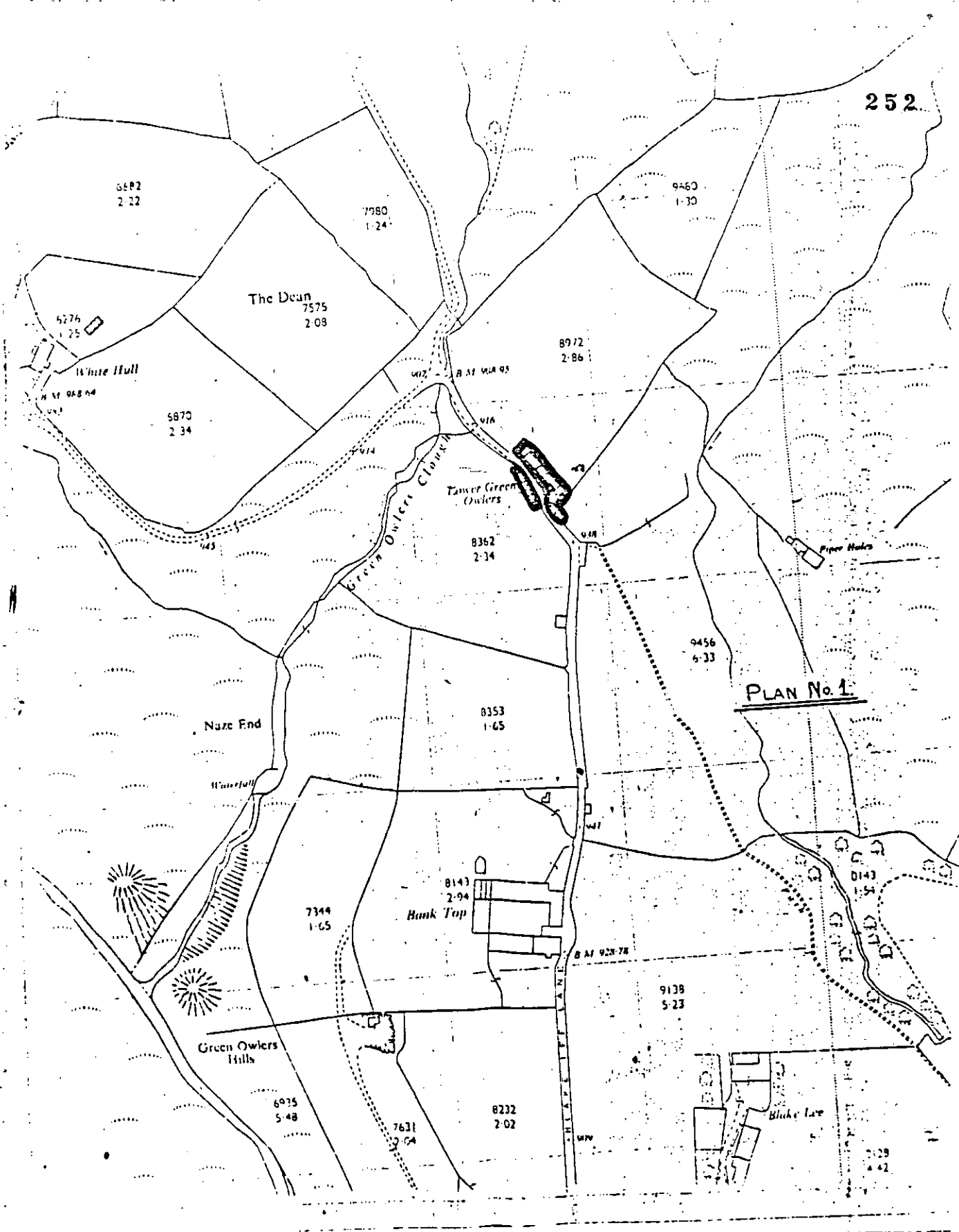
day of

March

1986

L. J. Morris Smith

COMMONS COMMISSIONER.



PLAN No. 1

6882
2-22

7980
1-24

9460
1-30

The Dean
7575
2-03

6276
1-25

8972
2-86

White Hull

B AT 184-95

6870
2-34

Green Owers Clough

Tower Green Owers

8362
2-34

Piper Holes

9456
6-33

Naze End

8353
1-65

Waterfall

8143
2-94

Bank Top

7344
1-65

B AT 928-78

Green Owers Hills

9138
5-23

6935
5-48

7631
2-04

8232
2-02

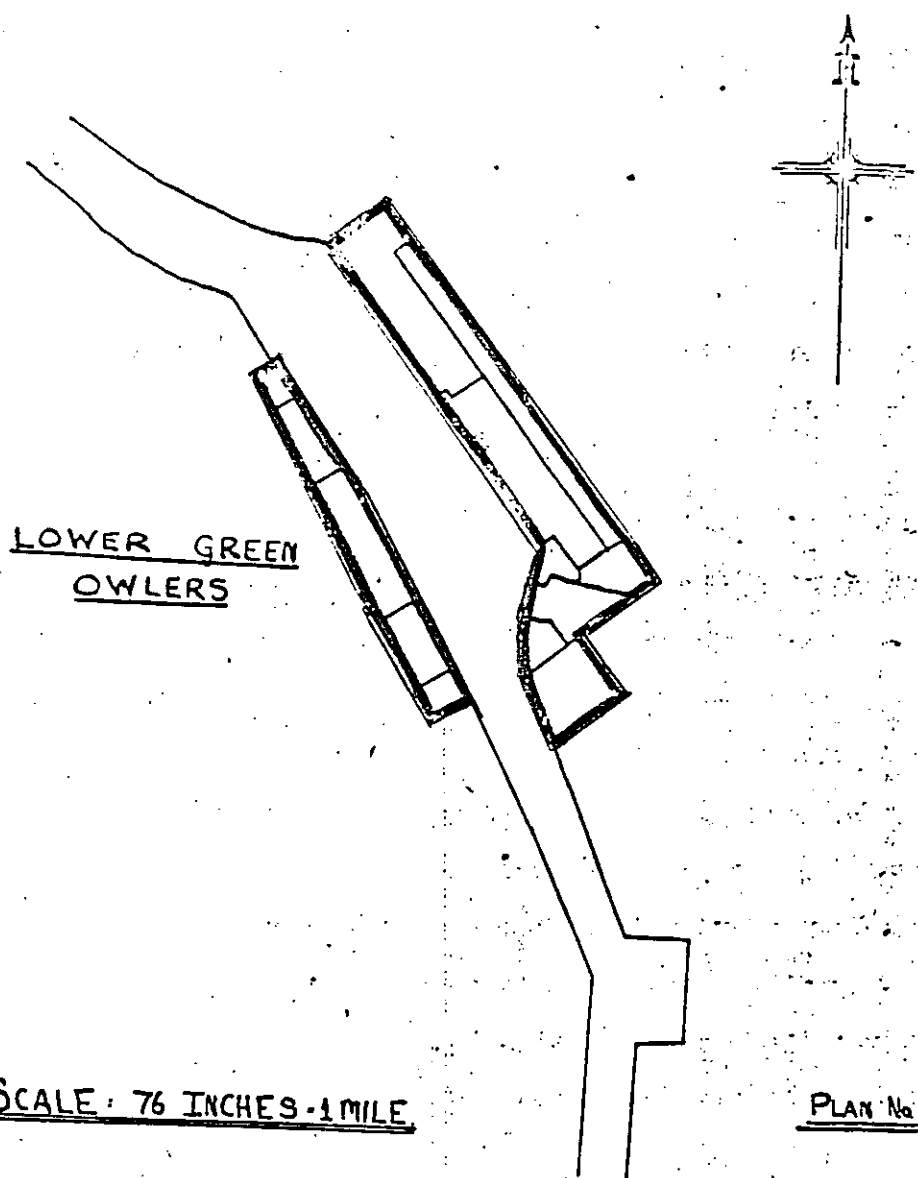
Blake Lane

0143
1-51

233
4-42

WY

HILL



LOWER GREEN
OWLERS

SCALE: 76 INCHES - 1 MILE

PLAN No 2.